

VILLAGE OF SLEEPY HOLLOW
VILLAGE BOARD MEETING MINUTES

DECEMBER 16, 2019

The regular meeting of the Sleepy Hollow Corporate Authorities was called to order at 7:30 p.m. at the Sleepy Hollow Village Hall. Board members in attendance were President Stephan Pickett and Trustees Steven DeAtley, Edward Harney, Thomas Merkel, Joseph Nemec, Anthony Piraino, and Donald Ziemba. Also present was Police Chief Michael Rivas. Village Attorney Mark Schuster, Village Engineer Jeff Steele, and Director of Public Works Kyle Killinger were absent.

MINUTES

1. DeAtley moved with a second from Piraino to approve the board minutes of the 12/2/2019 regular board meeting. By voice vote the motion passed unanimously.

PRESIDENT

1. President Pickett reported that he has retained *Lauterbach & Amen, LLP* a certified public accountancy firm to handle the bookkeeping and accounting activities typically handled by the Director of Finance. Due to the resignation of Henry Mionskowski the Village will use this firm's services until a new Director of Finance has been hired. This firm will work at the rate of \$85.00 per hour. The agreement provides that the either party can terminate the agreement with 30 days written notice. Trustee Merkel questioned using this firm due to the appearance of a conflict of interest by having the firm that performs the auditing also handling the daily bookkeeping activities. President Pickett noted that while this firm will provide accounting and bookkeeping services until a new director is hired there will be no management or oversight of office staff. Ziemba moved with a second from DeAtley to authorize President Pickett to execute the letter of engagement with Lauterbach. Trustee DeAtley, Piraino, Nemec, Ziemba and Harney voted aye. Nay: Trustee Merkel. Motion passed.

President Pickett noted that there were several items under Presidents Report on the agenda that will require the board to receive the recommendation of the Planning & Zoning Commission regarding the Petition Amending Village Zoning Regulations to allow Adult-Use Cannabis Businesses to operate dispensaries in the village. So before addressing those items he proposed the board hear from the Planning & Zoning Commission.

2. President Pickett presented four resolutions the purpose of which is to remove Henry Mionskowski as a signatory of the accounts and to add Chief Michael Rivas as the third signatory. Since there are four (4) financial institutions in which the Village does business, President Pickett requested a separate resolution for each institution. The first is 522 A RESOLUTION DESIGNATING CERTAIN SIGNATORY (IES) ON THE ACCOUNT(S) OF THE VILLAGE OF SLEEPY HOLLOW AT ELGIN STATE BANK. Nemec moved with a second from DeAtley to approve Resolution 522 removing Henry Mionskowski as a signatory on the accounts and adding Michael Rivas as a signatory on the accounts. Aye: DeAtley, Piraino, Nemec, Ziemba, Merkel and Harney. Nay, None. Motion passed unanimously.

The second is 523 A RESOLUTION DESIGNATING CERTAIN SIGNATORY (IES) ON THE ACCOUNT(S) OF THE VILLAGE OF SLEEPY HOLLOW AT FIRST AMERICAN BANK.

Nemec moved with a second from DeAtley to approve Resolution 523 removing Henry Mionskowski as a signatory on the accounts and adding Michael Rivas as a signatory on the accounts. Aye: DeAtley, Piraino, Nemec, Ziemba, Merkel and Harney. Nay, None. Motion passed unanimously.

The third is 524 A RESOLUTION DESIGNATING CERTAIN SIGNATORY (IES) ON THE ACCOUNT OF THE VILLAGE OF SLEEPY HOLLOW AT BMO HARRIS BANK. Ziemba moved with a second from Piraino to approve Resolution 524 removing Henry Mionskowski as a signatory on the accounts and adding Michael Rivas as a signatory on the accounts. Aye: DeAtley, Piraino, Nemec, Ziemba, Merkel and Harney. Nay, None. Motion passed unanimously

The fourth is 525 A RESOLUTION DESIGNATING CERTAIN SIGNATORY(IES) ON THE ACCOUNT OF THE VILLAGE OF SLEEPY HOLLOW AT ILLINOIS FUND (LGIP). DeAtley moved with a second from Ziemba to approve Resolution 525 removing Henry Mionskowski as a signatory on the accounts and adding Michael Rivas as a signatory on the accounts. Aye: DeAtley, Piraino, Nemec, Ziemba, Merkel and Harney. Nay, None. Motion passed unanimously.

PLANNING AND ZONING COMMISSION

- A. On December 3, 2019 the Planning & Zoning Commission held a public hearing to consider the PETITION FOR ZONING TEXT AMENDMENT TO CREATE A SPECIAL USE FOR ADULT-USE CANNABIS DISPENSING FACILITIES IN THE BUSINESS DISTRICTS IN THE VILLAGE. Dirk Fuqua reported to the board the commission's FINDINGS OF FACT copies of which had been included in the agenda packet for the board's consideration. Mr. Fuqua noted that all residents/attendees at the public hearing spoke favorably in support of allowing cannabis dispensing facilities in the village.

On a roll call vote with 5 commission members voting aye and one member voting nay, the Commission recommended that the board "create a special use for Adult-Use Cannabis Dispensing Facilities in the B-1 Business District, B-2 Village Business District, and B-3 Commercial and Mixed Use Zoning District in the Village."

On a roll call vote with 5 commission members voting aye and one member voting nay, the Commission recommended that there be a minimum distance of 250 feet between such a facility and "any of the following uses in the Village; pre-school, elementary, or high school, day care center or facility, library, and Public Park".

On a roll call vote with 5 commission members voting aye and one member voting nay, the Commission recommended that there be "no minimum distance between an Adult-Use Cannabis Dispensing Facility and any residential property in the Village."

On a roll call vote with all 6 commission members voting aye the Commission recommended that "on-site smoking of cannabis at an Adult-Use Cannabis Dispensing Facility" be prohibited.

The Commission also recommended that the Village adopt amendments to the police and public health regulations to augment the proposed public special use regulations.

After presenting the Commission's FINDING OF FACT Mr. Fuqua asked the board if they had any questions regarding actions taken at the Public Hearing. Trustee Merkel asked if the commission discussed the presence of the karate school being with 250' of the potential cannabis dispensary. Trustee Merkel expressed his concern due to the presence of children at the karate school being close to a dispensary. Mr. Fuqua reported that this issue had been presented to the Village Attorney who determined that the karate school did not qualify as a "learning center" and therefore would not prohibit a dispensary being located in the strip mall. Next, Trustee Merkel asked for clarification of the distance for dispensaries adjacent to residential dwellings.

Trustee Piraino reported that he attended the Public Hearing as a resident and noted that not many residents were in attendance. He commented that the P&Z commission did a good job in discussing the issues including the issue of the karate school.

Trustee Harney inquired as to other areas in the village where a dispensary could potentially be located other than along route 72 and Mr. Fuqua stated the land on Randall Road where Randy's is located would qualify from the standpoint of the 250' distance requirement.

Trustee Ziemba asked if anyone has approached the village to operate a dispensary in the village and President Pickett answered no.

After thanking Dirk Fuqua and the Planning & Zoning Commission members for their actions in addressing the cannabis petition President Pickett returned the discussion to the remaining items under Presidents Report.

The next item was **Ordinance 2019-16 AN ORDINANCE AMENDING THE VILLAGE ZONING REGULATIONS TO ADD CERTAIN REGULATIONS GOVERNING ADULT-USE CANNABIS BUSINESSES IN THE VILLAGE.** Trustee Harney moved with a second from Trustee Nemec to accept the recommendation of the Planning & Zoning Commission approving an amendment of the Village zoning regulations governing the sale of adult-use cannabis in the Village. Following an inquiry from Trustee Merkel as well as his statement that he is opposed to allowing the sale of adult-use cannabis in the Village, because it has been his experience that cannabis is a gateway drug, a roll call vote was taken with the aye votes, DeAtley, Piraino, Nemec and Harney with the Village President voting with the majority, Nay votes, Merkel and Ziemba. Motion passed 5-2.

ORDINANCE 2019-17 AN ORDINANCE AMENDING THE VILLAGE CODES TO ADOPT BUSINESS REGULATIONS GOVERNING ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS IN THE VILLAGE. Trustee Piraino moved with a second from Trustee Nemec to accept the recommendation of the Planning & Zoning Commission enacting regulations governing and regulating adult-use cannabis and regulating Adult-Use Cannabis Establishments which may locate in the Village. A roll call vote was taken, aye votes, DeAtley, Piraino, Nemec and Harney with the Village President voting with the majority, Nay votes, Merkel and Ziemba. Motion passed 5-2.

ORDINANCE 2019-18 AN ORDINANCE AMENDING THE VILLAGE CODE TO ADOPT CERTAIN PUBLIC HEALTH AND SAFETY REGULATIONS GOVERNING ADULT-USE

CANNABIS BUSINESSES IN THE VILLAGE, Trustee Piraino moved with a second from Trustee Nemec to accept the recommendation of the Planning & Zoning Commission adopting certain public health and safety regulations governing and regulating possession, use and smoking of adult-use cannabis products in the Village. A roll call vote was taken, aye votes, DeAtley, Piraino, Nemec and Harney with the Village President voting with the majority, Nay votes, Merkel and Ziemba. Motion passed 5-2.

ORDINANCE 2019-19 AN ORDINANCE AMENDING THE VILLAGE CODE TO IMPOSE A MUNICIPAL CANNABIS RETAILERS' OCCUPATIONS TAX. Trustee Nemec moved with a second from Ed Harney to approved Ordinance 2019-18 authorizing the imposition of a municipal cannabis retailer's occupation tax at the rate of 3% of the gross receipts from such sales. A roll call vote was taken with Trustees DeAtley, Piraino, Nemec, Ziemba and Harney voting aye. The Village President also voted aye. Nay, Merkel. The motion passed 6-1.

CLERK

No report.

ATTORNEY

No report.

ENGINEER

1. The Village Engineer provided a written update on all current projects in the Village.

DIRECTOR OF FINANCE

1. Ziemba moved with a second from Harney to approve the accounts payable of December 2, 2019 in the amount of \$122,328.50. Aye: DeAtley, Harney, Merkel, Nemec, Piraino and Ziemba. Nay, none. Motion passed.
2. **ORDINANCE 2019-20 TAX LEVY ORDINANCE** which allows the levying taxes for all corporate purposes for the Village of Sleepy Hollow , for the fiscal year commencing on the 1st day of May, 2019 and ending on the 30th day of April 2020, was introduced by Village President Stephan Pickett. The total amount of taxes levied is \$830,000. Trustee Ziemba moved with a second from Trustee Harney to approve Ordinance 2019-20 TAX LEVY ORDINANCE. A roll call vote was taken with Trustee DeAtley, Piraino, Nemec, Ziemba, Merkel and Harney voting aye. Nay votes, none. Motion passed 6-0.
3. The Finance Committee recommended the renewal of the property & casualty policy and they also recommended the board approved the health insurance renewal plan G5070PT as presented by Corkhill. Trustee Ziemba reported the Finance Committee recommended that the employee contribution rates be analyzed by the committee in the near future.

COMMENTS FROM THE PUBLIC

1. *Glenn & Frances Thompson – 1756 Hillcrest Park* – requested an update on Public Works efforts to control water drainage on their property. The Thompsons were advised that the work would continue weather permitting.

PARKS, ROADS AND STREETS

No report.

FINANCE

No report

WATER AND SEWER

No report

POLICE AND PUBLIC SAFETY

No report

PUBLIC BUILDINGS AND ENVIRONMENTAL

No Report

BUILDING AND ZONING ENFORCEMENT

No report

OLD BUSINESS

1. The Village received notice from the Illinois Department of Natural Resources "IDNR" that it will be conducting management for chronic wasting disease again this winter. Pursuant to the 5 year agreement which extends to thru winter 2020/2021 IDNR will continue to park on Village property in order to access the wetland mitigation bank property.

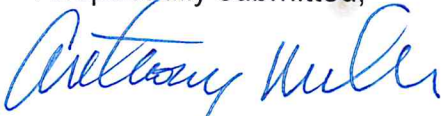
NEW BUSINESS

President Pickett reported that he has received a request from the office staff to change the regular office hours from 7:30 AM to 3:30 PM to 8:00 AM to 4:00 PM. Since this issue was not received in time to be included in this meeting agenda, the issue will be carried over to the next regular meeting scheduled for 1/6/2020.

ADJOURMENT

Nemec moved with a second from Harney to adjourn the meeting at 8:47 p.m. Motion passed unanimously.

Respectfully submitted,



Anthony Mills
Village Clerk