

Everything You Need!

Phone 309-761-1013

April 26, 2024

Honorable Mayor and City Council
Kewanee City Hall
401 E. Third Street
Kewanee, Illinois 61443-2365

RE: Report from Plan Commission for April 24, 2024 Meeting.

The Plan Commission convened on April 24, 2024 in City Council Chambers, at 401 E Third Street, commission members Hodge and Silva were absent. For business, there was one case to be heard.

Case Number 1:

Parcel 25-04-480-016 Located at 618 Tenney St., Request for a Special Use Permit to allow a cannabis dispensary.

Property Owner: Benedict Holdings, 1144 Monmouth Blvd., Galesburg, IL. 61401.

Address: 618 Tenney St.

Legal Description: E100 OF N173.89 & S156 LT 144, EX HWY & N33 LT 157, EX HWY ORIGINAL TOWN OF WETHERSFIELD CITY OF KEWANEE [EZ], Henry County, Illinois.

Location: On the East side of the 600 block of Tenney St.

Dimensions: Parcel is irregular in shape and is roughly 329 feet East to West, 198 feet North to South

Area: 1.7 Acres.

Existing buildings or uses: Large building that was most recently The Broken Chimney restaurant, small accessory structure and one other building to the east.

Current Zoning District: B-3 Business Service & Wholesale District.

Surrounding Zoning: B-3 Business Service & Wholesale District to the West, East and South, B-2 Business District General Retail to the North & R-1 One-Family Dwelling District to the Southeast.

Existing Land Use: Commercial.

Proposed Land Use Map: Commercial.

Background Information:

HVN Capital, LLC, of Kewanee, IL. has been in conversations with city staff for several months about the potential use of 618 Tenney St. as a cannabis dispensary. Included in this packet is a thorough written narrative which includes information about their business plan, building and site

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plans. Also included with their narrative are copies of the city ordinance sections pertaining to the cannabis dispensary use.

The city has no objections to the special use application.

I have no recommendations for stipulations on this application as the state laws pertaining to dispensaries and how they shall operate are strict enough on their own. Plan Commission members are welcome to bring their suggestions, if any, to the meeting for consideration.

Special Use Permit Criteria (155.157 C)

- (1) That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community;
- (2) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity, and
- (3) That the proposed use will comply with the regulations and conditions specified in this chapter for such use, and with the stipulations and conditions made a part of the authorization granted by the Council.

The Public hearing:

At 5:30 p.m. on April 24, 2024 the hearing for the requested Special Use Permit began. Chad Anderson and were present to support the petition.

- Sellers began the meeting by reviewing the meeting process and advising the audience that comments will be held to a three-minute maximum time in order to hear as many comments as possible.
- Kuffel made a motion to consider the Special Use Permit request. Milroy 2nd the motion.
- Edwards read the background information. Edwards spoke about the changes to the ordinance regarding the distance a cannabis dispensary needs to be from schools, daycare centers and parks. The distance was changed from 1000 feet to 250 feet because the original distance would eliminate nearly all of the business zoned properties within the city. Concerning the 1000 feet drug free zone around school properties, which increases the penalties for selling drugs, is for the sell of illegal drugs. Cannabis now being legal in the State of Illinois, when following the laws for legal sale, which makes a dispensary legal within the 1000 feet drug free zone.
- Chad Anderson and Dr. Syed Shah came forward to represent the Special Use request.

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- Shah stated his qualifications which included his background in internal medicine and natural medicine which is where his interest in cannabis grew.
- Kuffel said that all of his questions were answered in the packet that was provided.
- Shah said the facility will be very secure and the laws of the state are very restrictive. The Illinois laws are far more restrictive than other states such as California and Colorado. Identification is checked multiple times to verify age. There will also be numerous cameras throughout the building and property. Customers will enter through one set of doors and will exit through a different set of doors.
- Anderson said to get through the sets of double doors, the first door must close completely before the second set of doors will open. When a customer first comes into the dispensary, they have to show their ID to enter, then they have to sit in a waiting room as there is a limit to how many customers can enter the sales area at a time. Once they are allowed to enter the sales area they show their ID again. They have to show their ID once more when they get to a computer/register. Anderson repeated there will be cameras all over the property and vibration sensors on the walls. The products that are sold will not be out in the room; instead, they are kept in a safe/vault. Anderson said the state has strict very strict requirements on inventory control. Deliveries will be brought into a garage door/vehicle bay and only after the garage door is closed and security guards say it is ok will the inventory be removed from the vehicle and brought into the vault.
- Sellers asked about staffing.
- Anderson said there will be at least 10 people working every day.
- Costenson asked about employee certifications.
- Shah said they will hire certified trainers to educate and train the employees. All employees will have a background check.
- Anderson added that if there were a case of employee theft, the state would "ding" their license and after a certain number of violations they would lose their license.
- Sellers asked Anderson to explain the licensing process.
- Anderson said they started the licensing process in 2022.
- Shah said the process is like a lottery. After your application is picked, you have certain period of time in which you have to fulfill the requirements from the state. All owners of the company have background checks performed. After all the documents are gathered and background checks completed, all that information goes back to the state for further review.
- Hasse said he researched other dispensary locations and the number one issue that all locations seemed to have in common is traffic control.
- Anderson said that they have a traffic flow plan that was submitted with the application. When the property was a restaurant, it would have periods of time where there was a rush of traffic such as noon and 5-6pm. The dispensary wouldn't

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necessarily have a particular time of day where there is a rush, and it is expected to have a more even flow after the initial opening period is over.

- Hasse asked if there is an issue with traffic during the opening period where there might be a big rush, is there a plan in place.
- Anderson said they can get a plan in place to help with that initial period to keep traffic flowing through the property.
- Costenson asked if the group of investors are local or are they all over the country.
- Anderson said the majority of investors, 75%-80%, are local and within 10 miles of Kewanee. There are a few in the Quad Cities.

Anderson said that because cannabis is only legal at the state level, they can not go to a bank to borrow money which is why they have to look for investors.

- Sellers asked about signage.
- Shah said they will be doing business as "Top Deck".
- Jack Hageman of Kewanee came forward. Hageman had printouts of the state LLC showing the business address of the LLC. Hageman said he is a retired IL State Police officer. He was a supervisor of the Central Illinois Enforcement Group for the last 10 years of his employment. Hageman stated that he suspects that no one in this room or the City of Kewanee has the depth of knowledge that he has concerning recreational drug use. Hageman said it is unfortunate that our state has legalized the recreational use of cannabis.

The three-minute timer expired. Sellers asked Hageman to take a break and allow others to speak and that Hageman would be allowed to come back up after others have had a chance to speak.

- Stacy Brown came forward and represented Bridgeway which is located to the East of the proposed dispensary location. Brown talked about Bridgeway and how they help those with addictions try to become drug and alcohol free. Brown was not opposing a dispensary existing within Kewanee; however, she asked the commission to consider the location as it is right next door to a substance abuse treatment facility. Brown said with the dispensary being located literally next to Bridgeway, it makes it difficult for the people that Bridgeway is trying to help.
- Terry Eby came forward who lives next door to the proposed dispensary and expressed concern over how the dispensary will affect his property. Eby is concerned about exterior security and the doors that open on the side of the building facing his property.
- Michael Mulcahy came forward. Mulcahy asked if there will be medical cannabis or just recreational?
- Shaw responded only recreational at this time.
- Mulcahy said he is a card-carrying medical cannabis participant. He said he worked as a firefighter paramedic for 30 years. He said he has two artificial hips and a piece of metal in his back and as a result he has a lot of pain. He doesn't want to take

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opioids and other prescription pain medicines. Right now, he has to go to Peoria or the Quad Cities to get his medical cannabis. Mulcahy said that medical cannabis is a lot easier on his body than the other options. He said there's a building there not being used for several years and would like to see something in there making money for the city. Everyone likes to complain about the city not doing things that take money so let's get something in there producing some tax revenues for the city.

- Anderson came forward to address Eby's question concerning outside security. He said that some of the doors that are not needed will be blocked up as allowed by the fire code. Others will be locked and there will be cameras all around the building. Anderson they will only be using approximately the East half of the building.
- Andy Brooks, Superintendent of Wethersfield School District, came forward. Brooks handed out copies of the City Council meeting minutes from December 19, 2019 and a memo from the Wethersfield Board of Education.

Brooks said the original ordinance required a 750 feet buffer as a drug-free zone but the council at that time felt it wasn't enough and changed it to 1000 feet.

Then in August of 2023 there was an agenda item stating it was amending the special uses in the City of Kewanee ordinances section 155.068. Brooks said that as he reads through that agenda, it does not tell him what is actually being discussed at the meeting. Brooks stated that there was very little discussion on that agenda item and no mention of what it was unless you read the packet. Brooks said he was not made aware of this agenda item or that there was any discussion about this item. The three-minute timer expired. Sellers asked Brooks to take a break and allow others to speak and that Brooks would be allowed to come back up after others have had a chance to speak.

- Mulcahy came forward again to speak about the security. He said the security at these facilities is very secure in his opinion.
- Brooks came forward to continue. Brooks agrees that these facilities are secure for everyone that is inside the building. But to assume that the security extends out to the parking lot and to the people walking in front of the dispensary and in front of the school buildings isn't something they can do. Brooks said that it is illegal to possess cannabis in front of the school if they just purchased it from the dispensary. Brooks said that last year they had an issue with individuals that came up from another community that got chased because of some sort of drug issue and were tackled in front of the school with a weapon. Brooks said they have open lunch where students can walk in front of the proposed dispensary to go to Taco-Bell and he doesn't feel it is appropriate for a dispensary to be located this close to a school. He said the closest dispensary to a school that he could find was 2112 feet away. Brooks asked the commission to consider a longer distance away from the school.
- Hageman came forward to finish his comments. Hageman stated now that our country is in the process of legalizing recreational drug use, we wonder why we have

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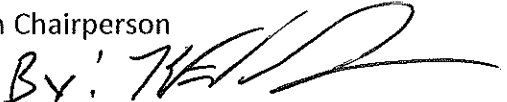
- a fentanyl problem. Hageman said during his tenure he can recall a particular fentanyl case. It was a case where a husband and wife were smoking cannabis and the husband sprinkled fentanyl into the cannabis they were smoking. Ultimately this caused the death of the husband after a few "hits". Yes, it's just weed, until you start putting something else in it and recreational drug users do a lot of experimenting. Hageman said there is never a benefit to recreational drug use. Hageman said that cannabis is a gateway drug, no questions about it.
- Smith said that almost every gas station or vape shop around has some sort of synthetic product that gives the same effect as cannabis. Some of it is worse than actual cannabis. Smith said that there are vapes that have the same effects too.
 - Brooks agreed that vapes are a big problem. Brooks also said that traffic is a big problem too and asks that the commission keeps it farther away from the school.
 - Kuffel said he researched other communities that have dispensaries and found there wasn't any change in crime rates and there weren't issues with customers making purchases and selling to minors. Kuffel added that the illegal cannabis still being available which is where the problem lies making it available to minors.
 - Smith added that he has worked in the prison system for quite some time. Smith said that when someone purchases cannabis from a dispensary, they know exactly what they are getting; however, when they purchase cannabis illegally on the streets, they don't know what they are getting. It could have just about anything mixed with it. Smith said he would rather people purchase it legally rather than illegally.
 - Milroy said she was on the Kewanee Community Drug and Alcohol task force. When on that task force, they interviewed a lot of kids. Milroy was shocked to find that everyone of those kids had a phone number or contact of some sort where they could purchase cannabis illegally.

Recommendation:

The Plan Commission recommends, by a vote of six in favor, one opposed, to grant the Special Use Permit for a cannabis dispensary to HVN Capital, LLC, of Kewanee, IL.

There being no further business the meeting adjourned at 6:30 p.m.

Respectfully submitted,

*Kim Sellers*Kim Sellers,
Plan Commission ChairpersonBy: 

4/24/2024

PLAN COMMISSION

Date

Attendance S.U.P.

	yes	no	yes	no	yes	no	yes	no	yes	no	yes	no
	abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent	abstain	absent
SELLERS 4/24 Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HASSE 4/19 Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HEMPHILL 4/15 Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COSTENSON 4/24 Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUFFEL 4/16 Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SMITH 4/24 Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HODGE 4/24 N	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SILVA 4/24 MSG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILROY 4/22 Y	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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77 6Y 1N

**Illinois
Limited Liability Company Act
Articles of Organization**

FILE # 13521107

Secretary of State Alexi Giannoulias
Department of Business Services Limited
Liability Division
www.ilsos.gov

Filing Fee: \$150

Approved By: SNK

FILED

JUL 19 2023

Alexi Giannoulias
Secretary of State

1. Limited Liability Company Name: HVN CAPITAL LLC

2. Address of Principal Place of Business where records of the company will be kept:
4417 MIDLAND RD

KEWANEE, IL 61443

3. The Limited Liability Company has one or more members on the filing date.

4. Registered Agent's Name and Registered Office Address:

DHARNA SHAH
939 N PLUM GROVE RD STE F
SCHAUMBURG, IL 60173-4775

5. Purpose for which the Limited Liability Company is organized:
"The transaction of any or all lawful business for which Limited Liability Companies may be organized under this Act."

6. The LLC is to have perpetual existence.

7. Name and business addresses of all the managers and any member having the authority of manager:

SHAH, SYED
4417 MIDLAND RD
KEWANEE, IL 61443

ANDERSON, CHAD
4417 MIDLAND RD
KEWANEE, IL 61443

KOPP, TRICIA
4417 MIDLAND RD
KEWANEE, IL 61443

BENNETT, TERRY
4417 MIDLAND RD
KEWANEE, IL 61443

REDDY, SORA
4417 MIDLAND RD
KEWANEE, IL 61443

BOELEN, BROCK
4417 MIDLAND RD
KEWANEE, IL 61443

REDDY, BOUYELLA
4417 MIDLAND RD
KEWANEE, IL 61443

BAZE, ADAM
4417 MIDLAND RD
KEWANEE, IL 61443

8. **Name and Address of Organizer**

I affirm, under penalties of perjury, having authority to sign hereto, that these Articles of Organization are to the best of my knowledge and belief, true, correct and complete.

Dated: JULY 19, 2023

SYED SHAH
4417 MIDLAND RD
KEWANEE, IL 61443

COUNCIL MEETING 19-24
Dec 19th,
2019

The City Council met in Council Chambers at 7:00 PM with the Mayor calling the meeting to order and the following answering to roll call:

Steve Faber	Council Member
Chris Colomer	Council Member
Michael Yaklich	Council Member
Michael Komnick	Council Member
Gary Moore	Mayor

News media present was as follows:

Mike Helenthal Star Courier
Sean Kernan WKEI

The Pledge of Allegiance was said.

Mayor Moore asked for a moment of silence for our troops still fighting overseas.

Mayor Moore explained that the next items were placed on the consent agenda and were considered to be routine in nature to be passed as a whole with one vote of the Council. Mayor Moore requested that any member of the Council or the audience wishing to have an item removed from the consent agenda for individual consideration to make the request and the item would be removed and considered following the approval of the remaining consent items. The consent agenda included minutes from the December 9th, 2019 Council Meeting, payroll for the pay period ending December 7th, 2019 in the amount of \$212,020.95, reports from Police and Community Development. A motion made by Council Member Colomer and seconded by Council Member Faber. Roll call showed 5 ayes, no nays. The motion passed.

Bills submitted for approval totaling \$182,493.58 were approved on a motion made by Council Member Komnick and seconded by Council Member Faber. Yaklich had a question on the Viaduct status. City Manager Bradley stated that the Viaduct is now open and stated that the work is complete. Yaklich asked what the final number was and CM Bradley stated he was not sure and would get him that final number. Yaklich asked about the Demo Bid that had no bids and wanted to verify that we would have to pay and publicize this again. City Clerk Jones stated that was correct and that new Bid opening would be January 8th. Yaklich asked about the actuary that was hired for the police and fire pensions. CM Bradley stated that we do have an actuary and Nyert is the one that we went through. Yaklich wanted to know about the previous actuary and was concerned about his certification. At the time that the actuary was working for the City he was certified and when it came time to use him again we needed to look elsewhere due to his certifications be not valid. Roll call showed 5 ayes, no nays. The motion passed.

CITIZEN PARTICIPATION

Mayor Moore then asked if anyone wished to speak regarding a non-agenda item.

- Andy Koehler stepped up to say thank you to Keith for his professionalism on working with him on his building. Koehler asked if there was any grant money available to help with the roof if his neighbor bought the property? His nephew is up from Florida and here helping now. Keith stated that he would get that information to him.

NEW BUSINESS

- Presentation by Mark McKinnis in regards to the Chamber of Commerce. His main purpose was to reiterate shopping local and how important this is to keep the local businesses and the local stores here with their doors open.
- A Resolution #5195 was presented to authorize the City Manager Bradley to enter into an agreement with Michlig Energy for the Fuel bid for the City of Kewanee. Motion made by Council Member Faber and seconded made by Council Member Colomer. Faber stated he was surprised about the difference in the bids. The gas last year was \$.10 more than this year. Roll call showed 5 ayes, no nays. The motion passed.
- Council Member Yaklich stated he has a point of order at this time. He stated that he spoke with the State Senator and two stated attorneys' offices. He stated that there is an ordinance that is missing. It has the opt out ordinate and according to his information that he has received...this ordinance must be covered before moving forward. This is also the ordinance that allows the council to share their knowledge in the seminars and work studies that they have done. It gives everyone an opportunity to voice his or her decision. He recommended that we table C, D, E, F & G until the next meeting. Justin stated that he disagrees in his assessment on how it HAS to happen. If at this point any council members choose to vote no...that is opting out. That we have the ability and the right to move forward. Yaklich then stated that Justin Raver has recused himself due to him having clients that are in the market to have a dispensary. Yaklich also stated he has no confidence in the ordinances that have been prepared due to the past. Therefore, as have spoken with Senator Weaver feels the first ordinance should be opt in or opt out ordinance. Mayor Moore stated in his opinion the information that Yaklich has brought is "opinion" and that the attorney's businesses that he represents have no bearing and that Mayor Moore stated his mind would not be changed at this point and that we will proceed. Yaklich objected...Mayor Moore indicated that the objection was duly noted.
- An Ordinance #3988 amending the municipal code imposing municipal cannabis retailer's tax. Motion made by Council Member Komnick and seconded by Council

Member Faber. Yaklich stated he objects stating that we have not said we are opting in or out. This ordinance has no validity and we should not be voting on it. Mayor Moore indicated that the objection was duly noted. Roll call showed 4 ayes, 1 nays. The motion passed.

- An Ordinance #3989 amending section 155.003 and declaring that this will be in full force. Motion made by Colomer seconded by Faber. Yaklich objects stating this is a threshold issue and this should not be discussed until an opt in or opt out. Mayor Moore indicated that the objection was duly noted. CM Bradley then stated that on October 15th 2019, this question was brought to the council members attention and at that time a question was asked of the council what their opinion was in regards to cannabis. Would the council like the CM and Attorney move forward with getting information to bring back to the council? Or was this a hard pass and no additional time or information would need to be collected. At that time, the council asked and requested that more information be gathered to make a better and educated decision. Yaklich stated that at that time that the Attorney Justin Raver put together a meeting at the High School and whether due to his personal clients or that he cannot run a meeting or tell time, that this environment turned into a bully session and council members have tried hard to be anti-bullying. The meeting that was held next where a doctor presented the negative effects of marijuana and our city manager on work time gathered information on the positives of marijuana. To him that is egregious and that the city manager was using city time and money to put together a presentation. The meeting was ran by Bi-state who promised that they would have the information from the meeting by the next day and no one has received nothing to make an educated decision. Yaklich stated he could not speak to the city attorney due to him recusing himself with conflict of interest. Yaklich stated that is why he has to go outside to get his information. Minimum set backs are 750 feet and the council was told and shown on other models the shortest distance was ranging from 250 to 1500 feet. Yaklich stated this was premature. CM Bradley stated on the bubble maps there were set backs shown that Yaklich was in accurate. A participant stepped to let the council know that this dispensary id needed. Her health is bad and the only thing that helps is Marijuana. She stated that the council should be concerned with the people in this town need this. She just wants the relief. Yaklich asked if she had a medical marijuana card. She stated no it was too expensive. Yaklich stated he empathizes with her. Mayor Moore stated this is not the time to have this argument. Mayor Moore asked for roll call. Roll call showed 4 ayes, 1 nays. The motion passed.
- An Ordinance # 3990 amending section 155.068 special use and declaring this in full force. Motion made by Faber seconded by Komnick. Yaklich stated same objection and has serious concern about the set back of 750ft and that it should be higher. Mayor Moore stated after looking at the maps he would lean more to 1000ft. Colomer agreed that the 1000 ft. might be a better fit. Komnick and Faber were content with the 750 ft. Komnick wanted to make sure we are not hurting the option on a business coming. Yaklich stated he was not an eloquent speaker, nobody disagreed. He is concerned about the children in the community. The school sent a letter from the school is not in favor. Yaklich

stated he is more concerned about the kids in our community. Faber made a statement...do you really think the kids are not getting it now? Faber stated it's not up to us to control this...it's out there...but the parents are responsible to take care of their kids. Colomer stated he has young kids...and actually what he fears more is the prescription drugs. Drug overdose that we hear and tainted drugs are what is out there killing our youth. Komnick asked about the gas station across from the school...it sells alcohol. is that too close?.. They should be treated the same way. Yaklich stated that Colorado shows that the gangs will be an issue. Yaklich stated that the gangs are already here and that years back they removed all the gangs' symbols. This fight was a huge effort 25 years ago. Colomer stated that we are naive if we think the gangs are not here. Mayor Moore's stated that the gangs getting better under control due to the housing getting more strict. Faber asked Chief Ainley what his thoughts are on this. Are they ready for the new law? Kewanee's man power is on the lower side but they still hit it every day. The drugs and prescription drugs have been here for years. Colomer asked Chief the largest battle. Chief stated it was meth, and cannabis has taken a second priority. Cannabis is 2 weeks out and we have put together information to handle this. We have even went as far as sending 2 officer to phlebotomy class to help with the chain of custody. However, even in the youth, meth is that largest battle. Colomer made the point that price is an issue and with the dispensary cost, it is not a readily available to everyone. If they want weed, they will find it. Colomer stated he is scared to death for his kids but feels that his job to make sure his parenting teaches the right and wrongs. Motion was rescinded by Council Member Komnick and seconded by Faber. Council Member Colomer then made a motion to amend and change the ordinance to read 1000 ft set back. Seconded by Council Member Yaklich. Roll call shows 3 ayes and 2 Nays. To amend. Motion to approve amended Ordinance made by Council Member Colomer and seconded by Council Member Yaklich. Roll call showed 3 ayes and 2 nays. Motion passed.

- An Ordinance #3991 amending section 155.070 & 155.071 special use declaring that this be in full force. Motion made by Council Member Faber seconded by Council Member Komnick. Yaklich asked for a 1000 ft be set for set back. Colomer stated we need to be consistent and stay with 1000 ft. Faber rescinded his motion and Komnick withdrew the second. Mayor asked for a motion to amend to 1000ft set back. Motion made by Yaklich and seconded by Colomer. Roll call showed 3 ayes and 2 nays. Amended #3991 Motion made by Yaklich and seconded by Colomer. Roll call showed 3 ayes and 2 nays. Motion Passed
- An Ordinance # 3992 amending section 155.070 and 155.071 and be in full force. Motion made by Council Member Yaklich and seconded by Council Member Colomer. Yaklich asked to amend to 1000 ft as done in previous ordinances. Roll call 3 ayes and 2 nays. Amended ordinance #3992 Motion to approve made by Council Member Colomer and seconded by Council Member Yaklich. Roll call shows 3 ayes and 2 nays. Motion Passed.
- An Ordinance # 3993 Establish the annual tax levy for 2019 payable in 2020. Motion made by Colomer and seconded by Council Member Komnick. Yaklich stated we received a tentative ordinance in November and this one shows that we

are jockeying accounts around to pay for the police and fire pension. Yaklich stated we are underfunding other accounts in the city. Yaklich stated that errors in accounting and projecting are being covered up. As a council, we can't say no to this and we have no choice but we do have a choice in demanding better performance for the people that are in charge. The staff was told to get it right 3 years ago. 2 years ago we had an issue with the audit...council demanded the same thing. There are bad things and He's airing dirty laundry tonight. We are not doing as good a job as we are supposed to. Roll call 5 ayes and no Nays. Motion passed.

COUNCIL COMMUNICATIONS:

- Council Member Faber just wanted to wish everyone a Merry Christmas
- Council Member Colomer wanted to emphasize what a big decision Cannabis has been and he has personally considered allot the last 2 weeks. This decision was not made lightly. I ran on a platform to bring new businesses to town and this is a unique business. I do have worries with my own children but I want the community to know that I listened.
- Council Member Komnick wanted to echo the same sentiment...this decision was not made on a whim. We have all put a lot of effort in to this and did our homework and I feel this is the best decision that we can make at this time. The decisions that were made tonight we have control over. Also wanted to congratulate Landon on his retirement and all the promotions and have a great holiday.
- Council Member Yaklich we received today as we sat down from the school district. Yaklich read letter aloud.
- Mayor Moore stated he has spent the last 32 years battling drugs and does not feel that the dispensaries are going to be the issue. He would like to thank everyone that attended the forums and the Salvation Army for a great concert they held. Happy Holidays.

ANNOUNCEMENTS:

Adjourn:

Motion made by Council Member Faber and seconded by Council Member Colomer.
8:29 Roll call showed 5 ayes and no nays. Motion Passed

RABECKA JONES, CITY CLERK

DATE APPROVED

Star Courier

NEWS

Kewanee welcomes weed

Council casts city's lot with commercial cannabis

Mike Berry For The Star Courier

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The City Council Thursday passed a series of ordinances regulating legal cannabis sales in Kewanee over the strenuous objections of one councilman.

The ordinances levy a 3 percent local tax on cannabis sales, define various cannabis-related businesses and include cannabis businesses in the city's zoning ordinances.

Councilman Mike Yaklich left no doubt about his opposition to cannabis in general or to a local cannabis dispensary in particular.

Yaklich first voiced his opposition when the first cannabis-related ordinance on the agenda, to authorize the local sales tax, came up.

He said the council couldn't vote on the cannabis measures without first passing an "opt-in" ordinance declaring that cannabis sales would be permitted in the city.

Yaklich said he had consulted with State Sen. Chuck Weaver's office, as well as two state's attorneys, and all said the opt-in ordinance was necessary.

City Attorney Justin Raver disagreed, saying that passing the ordinances on the agenda would amount to the council's "opting in" on cannabis sales.

Yaklich, who at one point in the meeting referred to cannabis as "this vile product," said he didn't necessarily trust Raver's opinion. He pointed out that Raver has recused himself from advising the council on cannabis since he has clients who want to open a cannabis dispensary in the city.

"I don't know that the information in these ordinances is correct," he said. "I don't have confidence."

Mayor Gary Moore said, "I believe that we should move forward with the votes that we have on the table."

Moore said he has had extensive experience with marijuana through his law enforcement career. While he wasn't in favor of legalization of cannabis, he said, it will be legal as of Jan. 1.

"I think that we should move forward" on the cannabis ordinances, the mayor said.

"I object," Yaklich said.

"So noted," Moore said.

Yaklich's motion to table the sales tax ordinance was not seconded. When the vote was taken on the ordinance, he said, "This ordinance has no validity. We should not be voting on it."

The ordinance passed 4-1, with Yaklich loudly saying "no" when the vote was taken.

Next up was an ordinance listing definitions of various cannabis-related businesses, and Yaklich again voiced his opposition.

City Manager Gary Bradley said the council had discussed cannabis sales in Kewanee during an October meeting and had directed him to look into the matter.

"'Opt out' was not necessarily the direction you voted to go," he said.

A member of the audience came forward and urged passage of the cannabis ordinances. She said she is a cancer patient and was allergic to all the pain medications her doctors prescribed. Only cannabis has helped her sleep, she said.

Yaklich pointed out that medical marijuana has been legal in Illinois for some time and asked if she had gone that route. She replied that getting approved for medical cannabis was too expensive.

The zoning ordinance amendments were approved, with the council making one change. As presented, the ordinances said cannabis dispensaries wouldn't be permitted within 750 feet of a school or park.

The council voted 3-2 to increase that distance to 1,000 feet, with Councilmen Steve Faber and Mike Komnick voting "no."

The council's discussions at one point turned to the dangers of cannabis, with Yaklich saying he was concerned about the impact of legal sales on the young people in the community,

Faber turned to him and asked, “Do you really, really think that the kids aren’t getting it now?”, touching off a loud show of approval from the audience.

At the close of the meeting Yaklich read a letter to the council from the Kewanee School Board, voicing its members’ unanimous objection to a cannabis dispensary in Kewanee.

After the meeting, Scott Packee and Tony Segura, who are applying for a state license to open a cannabis dispensary in Kewanee, said they were pleased with the council’s actions.

Segura said they hope to have a facility open by mid-2020.

The Wethersfield Board of Education feels it is in the best interest of its school community for the City of Kewanee Plan Commission to consider four points when addressing the licensing of legal cannabis dispensaries in town and their proximities to any of the school facilities.

“First, the Board urges the enforcement of federal law with regard to drug-free school zones, requiring a buffer of 1,000 feet for any cannabis dispensaries situated near our schools.”

“Second, the Board requests a commitment from the City of Kewanee and licensed legal dispensaries in town to strictly enforce the law prohibiting sales to minors. If there is an opportunity to learn what measures will be in place to monitor sales or potential sales to minors, the Board welcomes that dialogue.”

“Third, the Board urges the enforcement of Section 410 ILCS 705/55-20 of the Illinois Code which states that “No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium:(1) within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older”;

“Fourth, the Board requests that a portion of tax revenues from any legal cannabis dispensaries established in Kewanee be directed to Wethersfield District #230 to defray costs associated with cannabis legalization, including i) more comprehensive public and school-based education about cannabis use and its effects on health and wellness and the adolescent brain and ii) policy review, training and legal implications regulating the treatment of students and staff suspected of cannabis use on school property.”

Federal Law and the Drug-Free School Zone of 1,000 Feet

The city should enforce federal law and require legal cannabis dispensaries to be no closer than 1,000 feet to any school. While Illinois has legalized cannabis, federal law “continues to identify all forms of marijuana, including medicinal marijuana, as a Schedule 1 controlled substance that has potential for abuse and diversion pursuant to the Controlled Substances Act, 21 U.S.C. §§ 801 et seq.”

The Comprehensive Drug Reform Act of 1987 (CRDA) makes “distributing, dispensing or possessing with intent to distribute a controlled dangerous substance or controlled substance analog while on any school property used for school purposes that is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property or a school bus, or while on any school bus,” a crime of the third degree. This 1,000-foot buffer is what is often referred to as the “drug-free school zone.”

The recently adopted Illinois cannabis legalization law changed the definition of “controlled dangerous substance” within the CRDA to preclude legalized cannabis. This change means that a licensed and authorized cannabis facility may operate within the 1,000-foot drug-free school zone.

... [However] [u]nder the federal Controlled Substances Act, “distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within 1,000 feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 1,000 feet of a public or private youth center, public swimming pool, or video arcade facility,” remains a Federal criminal offense.

The Wethersfield Board of Education receives federal funding (as does the City of Kewanee) and submits that the federal law with regard to drug-free school zones should be enforced not only because it makes good sense, but also because there is a tension between existing state and federal law that should be managed with care.

Significantly, the Illinois law provides that while a legal dispensary may be situated closer than 1,000 feet to public schools, there is no law that would require the town to locate dispensaries closer than 1,000 feet to schools, **nor is there any law precluding the municipality from voluntarily adhering to the federal drug-free school zone buffer.** We also understand that other Illinois municipalities have respected this buffer in local ordinances regulating dispensaries. Currently, it appears that Moline has the closest dispensary to a school at 2,112 feet with East Peoria having one a little over 3,000 feet..

Additionally, no cannabis business may advertise cannabis or cannabis products with enforcement of Section 410 ILCS 705/55-20 of the Illinois Code which states that “No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium:(1) within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older”

Enforcement of the Law

Finally, the Board seeks a commitment from local law enforcement, the municipality and cannabis dispensary owners that State law will be enforced and no sales will be made to minors. The Board would appreciate the opportunity to weigh in on what measures will be specifically employed to monitor sales or potential sales to minors and to ensure that products are not being designed, packaged, and marketed in a manner that appeals to minors (e.g., regular public health and/or municipal inspections of dispensaries to ascertain how products are being designed, packaged and sold).

The Board submits that the licensing municipality and legal dispensary owners must be held to task to ensure that minors are not purchasing legalized cannabis, though this does little to address the problem noted above of the likely increased presence of marijuana in the home due to its greater availability.

Funding for Public Campaigns and Education on the Use of Cannabis

When and if an alternate location is developed for a dispensary, Wethersfield Schools should receive a portion of the tax proceeds from legal cannabis dispensaries to be directed towards school and public information campaigns about cannabis and its effects on the adolescent brain. Adolescent marijuana use has been associated with lower academic performance and a higher risk of dropping out of high school.

Using data from the Centers for Disease Control and the National Institute for Drug Abuse, the California School Boards Association issued a governance brief in 2018, excerpted here:

The research on the effects of ... use that begins in adolescence ... is substantial, indicating that:

1. Critical regions of the brain that control memory, reasoning, judgment, and coordination develop during adolescence.
2. THC activates a part of the brain called the Endocannabinoid (EC) system.
3. The presence of THC in the EC system overwhelms the flow of neurons that send messages all over the body and control movement, perception, memory, and in some cases, emotion. Introducing THC during a critical period in the brain's development (e.g., adolescence) alters the brain's ability to establish important connections to these systems in the brain.
4. Early and regular use of marijuana in adolescence can lead to addiction, use of other illicit drugs, and mood disorders.

Evidence shows that "THC levels in marijuana have been steadily rising over the course of approximately 30 years of research. Marijuana samples taken in the 1980s averaged 3 percent THC and in 2012 averaged 12 percent.

Implications for school boards related to the legalization of cannabis include the need to understand and effectively address children's emotional and behavioral health related to direct or indirect exposure to marijuana. State departments of health where cannabis has been legalized have launched public health campaigns to provide resources and accurate information and educational materials about marijuana. The City of Kewanee will need to do the same. **Schools will need to partner with public health officials, youth organizations and others to create customized resources and awareness campaigns.** Adequate resources should be dedicated to our public schools from the legalized cannabis tax stream to address education and awareness in our school community.

School officials will likely see an increase in the number of marijuana related incidents in schools due to the increase in the availability of these now legal substances. While students will not be able to purchase marijuana legally, parents and adults in their household will. This will make marijuana, when not properly secured at home, available to minors in the same way that alcohol has been.

In addition to taking steps to educate our students and families, the new law will also change how the District treats employees who use legalized cannabis. There is no doubt that the legalization of cannabis in Illinois presents challenges for schools in terms of school community education, awareness and health and wellness, student and employee conduct related to use of legalized cannabis. Adequate resources should be provided by both the state and the municipality to support our schools in addressing these challenges, which is why the Board is requesting dedicated funding from tax revenues from legalized cannabis businesses in town.

