

MINUTES
January 14, 2020
Committee of the Whole
City of Batavia

Please **NOTE:** These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

Chair Wolff called the meeting to order at 7:00pm.

1. Roll Call

Members Present: Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Chanzit, Baerren, O'Brien, Callahan, Malay, Uher, Cerone, McFadden

Members Absent:

Also Present: Mayor Schielke; Laura Newman, City Administrator; Gary Holm, Director of Public Works; Anthony Isom, Assistant to the City Administrator; Wendy Bednarek, Director of Human Resources and Jennifer Austin-Smith, Recording Secretary

2. Reminder: Please speak into the microphone for BATV recording

3. Approve Minutes for August 13, 2019, December 3, 2019 and December 10, 2019

Motion: To approve minutes for August 13, 2019, December 3, 2019 and December 10, 2019

Maker: Chanzit

Second: Knopp

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

4. Items to be Removed/Added/Changed

The Consent Agenda was tabled until the January 28, 2020 Committee of the Whole (COW) meeting.

5. Matters From the Public (For Items NOT on the Agenda)

Mary Marconi Butieali discussed an upcoming CASA event. She explained April is Child Abuse Awareness month. Allen stated that there would be a soft launch on April 4th that would be a luggage event. Retailers and restaurants across the downtown area will display marked luggage in their windows to promote the CASA event. The significance of the luggage art is that it is building on the luggage program that CASA has for when children are taken from their homes. The luggage program provides children with essential items that they need. Artists from Batavia High School along with local artists will be painting luggage pieces to be displayed. April 4th the community could visit the different retail locations and participate in a giveaway raffle. April 9th CASA will be coordinating events, the first of which would be Hands Around the Courthouse at

4pm. At 6pm there will be a presentation at the CASA mural at Water Street Studios on April 9th. There will be CASA Tuesdays to promote awareness of CASA. T-shirts are being made for CASA Tuesdays. Donation boxes would be located at the retailers and restaurants for purchase of essential items that the children need. We would also be asking corporations for donations to CASA during the entire month of April. On April 30th there will be a closing event from 6-8pm, during that event they will be auctioning off the luggage, presenting the gifts to CASA and the event would include a dinner. Allen noted that a handout was distributed to the Committee with information on all of these events. Mary stated that the event would be titled “#ToCASAfromBataviawithlove” to help raise awareness. The Committee expressed interest in purchasing essential items and purchasing CASA t-shirts to support this event. Mary stated that they are working on gathering all of the information and she will get out the information as soon as they receive it.

6. Consent Agenda

(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the COW. This agenda is placed as a separate item on the COW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a “package” in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the “regular” agenda.)

- a. Resolution 20-007-R: Authorization to Purchase a 2020 John Deere 410L Combination Loader/Backhoe for \$134,000.00 from West Side Tractor Sales Company (SH 1/7/20)**
- b. Resolution 20-009-R: Authorization to Purchase a 2020 John Deere 1575 Tractor with Front Mount Broom and Snow Blower Attachments for \$41,432.90 from Buck Brothers, Inc. (SH 1/7/20)**
- c. Resolution 20-010-R: Authorization to Purchase a 2020 Ford T150 Cargo Van for \$23,042.00 from Landmark Ford, Inc. (SH 1/9/20)**

This was moved to the COW meeting on January 28, 2020.

7. Approval: Class D-1 Liquor License Application for Brinker Restaurant Corporation d/b/a Chili’s Grill and Bar (DME 12/19/19) GS

Chanzit overviewed the memo.

Motion: To approve Approval: Class D-1 Liquor License Application for Brinker Restaurant Corporation d/b/a Chili’s Grill and Bar

Maker: Chanzit

Second: McFadden

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

CONSENT AGENDA

8. Approval: Class K (Park District) Liquor License Application for the Batavia Park District (DME 12/12/19)

Chanzit overviewed the memo.

Motion: To approve Class K (Park District) Liquor License Application for the Batavia Park District
Maker: Chanzit
Second: O'Brien
Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.
CONSENT AGENDA

9. Ordinance 20-01: Grant of Variance for a Monument Sign. 1850 East Fabyan Parkway, KRC Holdings, LLC, Applicant (DMR 1/9/20)

Callahan overviewed the memo. Rackow discussed the variance with the Committee. The applicant is seeking a larger sign for visibility. The ZBA did review this matter at a public hearing and reviewed photo renderings. The PC did recommend approval of the variance and found four of the findings were met. They recommended approval by five to one.

Ralph Anderson, on behalf of KRC, addressed the Committee. He stated that they are there to field questions if there are any. Callahan asked if there were any questions. There were none. O'Brien stated that this is a variance for a beautiful building.

Motion: To approve Ordinance 20-01: Grant of Variance for a Monument Sign. 1850 East Fabyan Parkway, KRC Holdings, LLC, Applicant
Maker: Callahan
Second: Meitzler
Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

10. Ordinance 20-02: Annexing 2S103 and 2S105 Hart Road and 614 and 624 Cottage Road (Rear) (SCB 12/27/19) CD

Callahan overviewed the memo.

Motion: To approve Ordinance 20-02: Annexing 2S103 and 2S105 Hart Road and 614 and 624 Cottage Road (Rear)
Maker: Callahan
Second: Malay
Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

11. Ordinance 20-03: Approving a Boundary Agreement with the Village of North Aurora (SCB 12/30/19) CD

Buening summarized the memo with the Committee.

Motion: To approve Ordinance 20-03: Approving a Boundary Agreement with the Village of North Aurora
Maker: Callahan
Second: Meitzler

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

12. Ordinance 20-04: Establishing Special Service Area 42 for the Nagel Industrial Park PUD/Farmstead III Development (SCB 12/31/19) CD

Callahan overviewed the memo.

Motion: To approve Ordinance 20-04: Establishing Special Service Area 42 for the Nagel Industrial Park PUD/Farmstead III Development

Maker: Callahan

Second: Knopp

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

13. Resolution 20-005-R: Authorizing the Sale of Municipally Owned Real Estate at 919 Smith Court (SCB 1/2/20) CD

Callahan overviewed the memo.

Motion: To approve Resolution 20-005-R: Authorizing the Sale of Municipally Owned Real Estate at 919 Smith Court

Maker: Callahan

Second: Meitzler

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.
CONSENT AGENDA

14. Resolution 20-004-R: Authorizing the City Administrator to apply for Kane County Development Funds and Execution of all the Necessary Documents (RB 1/10/2020)

Holm discussed the memo with the Committee.

Motion: To approve Resolution 20-004-R: Authorizing the City Administrator to apply for Kane County Development Funds and Execution of all the Necessary Documents

Maker: Wolff

Second: Knopp

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.
CONSENT AGENDA

15. Resolution 20-011-R: Authorizing Staff to Submit Grade Crossing Protection Fund with Illinois Commerce Commission Crossing Safety Improvement Program for Prairie Street Railroad Crossing Installation (RB 1/10/2020) CD

Holm discussed Phase 2 of the Prairie Street improvements. Phase 1 improvements would be constructed this summer. Phase 1 does not include the intersection or railroad crossings. They City has now received Federal funding to begin Phase 2, which would include the intersection of Wilson and the railroad crossings. This project also qualifies for Illinois Commerce Commission (ICC) funding for railroad safety improvements. Staff will be submitting and application to ICC

for potential funding. Staff will be working with consultants to identify other funding opportunities and apply for those as well.

Motion: To approve Resolution 20-011-R: Authorizing Staff to Submit Grade Crossing Protection Fund with Illinois Commerce Commission Crossing Safety Improvement Program for Prairie Street Railroad Crossing Installation
Maker: Wolff
Second: Meitzler
Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.
CONSENT AGENDA

16. Resolution 20-006-R: Authorization to Purchase Two 2020 Ford F150 Truck for \$53,255.00 from Morrow Brothers Ford, Inc. (SH 1/7/20) CS
Holm overviewed the memo with the Committee.

Motion: To approve Resolution 20-006-R: Authorization to Purchase Two 2020 Ford F150 Truck for \$53,255.00 from Morrow Brothers Ford, Inc.
Maker: Wolff
Second: Uher
Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.
CONSENT AGENDA

17. Resolution 20-008-R: Authorizing Execution of a Grant Agreement with Batavia Mainstreet for Development of the Boardwalk Shops (LN 1/10/2020)
Newman stated that MainStreet is requesting that the City provide the first \$300 of electric to the site. Hansen stated that the electricity would be used towards powering lighting and computers. If a tenant would like to install air conditioning there will be an upcharge for that. Hansen does not foresee any tenant wanting to install air conditioning at this time.

Holm stated that the Council should decide whether or not the credit comes out of the General Fund for economic development purposes or out of the Utility Fund for electric. Chair Wolff stated that if we are going to do this it should only be for one year to kick-start this program. We could then revisit this next year. Saam agreed that when it is discussed again they would have the data available on electric utility usage since it is currently unknown. Chair Wolff stated that he does not have any problem providing the money to support this program. Cerone suggested that the money be taken out of the economic development grant. Wolff noted that this would be for the first year only and could be revisited next year.

Motion: To approve Resolution 20-008-R: Authorizing Execution of a Grant Agreement with Batavia Mainstreet for Development of the Boardwalk Shops
Maker: Chanzit
Second: Cerone
Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

18. Resolution 20-012-R: Authorizing Western Utility Contractors of University Park IL to Perform Fiber Relocation Along Mitchell Road for an Amount Not to Exceed \$40,575.65 plus 10% Contingency Amount (RB 1/10/2020) PU

O'Brien summarized the memo. He noted that this is a budgeted item that passed for \$75,000 and we are beneath the budget. This is a good job done by City staff.

Motion: To approve Resolution 20-012-R: Authorizing Western Utility Contractors of University Park IL to Perform Fiber Relocation Along Mitchell Road for an Amount Not to Exceed \$40,575.65 plus 10% Contingency Amount

Maker: Meitzler

Second: Malay

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

CONSENT AGENDA

19. Discussion: Reconsider Whether to Allow Recreational Cannabis Dispensaries and Where

Newman reported on January 1, 2020 recreational cannabis became legal in the State of Illinois. The Committee of the Whole (COW) had a discussion on August 27, 2019 when very few communities at that time had decided on whether to opt in or opt out. At that point we wanted to learn more and see what other communities were doing. In the meantime, we updated our Zoning Code to add definitions that had not previously been included in our Zoning Code brought forth by the new statute. Recreational cannabis dispensaries remained a prohibited use.

Late last year, the COW determined that some time has passed and they would like to revisit the discussion. The questions that arise are:

- Whether recreational cannabis dispensaries should be allowed in the City of Batavia.
- If they should, which zoning areas should they be allowed in?
- Will recreational dispensaries be a conditional use or special use?
- How many dispensaries should be allowed?
- Would the City impose a tax on the sale of recreational cannabis? Under that statute the City is allowed up to a 3% tax.
- Whether or not on-site consumption would be allowed where recreational cannabis is sold.

Chair Wolff opened the floor for public comment.

Duke Wall addressed the Committee. He shared that he has tried to convince his wife to move out of Batavia but it didn't work. He has a lot of fun being retired but coming to City Hall to argue a decision like this is not his idea of fun. He had an email exchange with Aldermen Uher and Chanzit. He explained in those emails why he does not support pot shops in Batavia. Emails then started to turn into a debate. Refugees from Chicago fled to this City and the craziness in Chicago drove them out. They come to small communities like Batavia and bring their crazy ideas with them. He has three ideas. He would like three things from the Council. He would like

to know what they think about pot shops in Batavia. The second thing he would like is for the City to put up an additional web page on their website containing the statements of each and every alderman here stating why they need to have pot shops in Batavia. The third thing, he would like to point out, if the City continues with this sort of thing there is an election coming up in November and we could have a referendum vote to find out what the people really think about pot shops in Batavia. He shared the past experience residents had with creating a referendum regarding a recreational center in which the residents voted no. The only way to find out what people really would like is to put it on the ballot.

Leo Chafesk discussed the repercussions of legalized marijuana. The previous states who have legalized it have suffered significant consequences. He shared that in the seventies he used cannabis everyday for eight years. It was less potent than what it is now. He experienced psychosis and paranoia and his behavior changed. He learned the hard way and made a lot of mistakes but he is different because of it. It is because he had to walk away from it. He understands that this is also about tax dollars. Above tax dollars, what are looking for here mostly is a moral backbone, a moral backbone that cares more about the people, the community, and to do what is right before the dollar. He serves as a pastor at a local church because he felt a calling to serve people and help them get better. He pastorally counsels people with addictions. The consequences of allowing a recreational cannabis facility in our community are increased Emergency Room rates. We will contribute to handicapping our law enforcement that serves us so well. We will contribute to turn cannabis consumption over to our young people and it could create lifelong mental illness. Ultimate responsibility is to serve and protect our community are in our room right here. He offered to talk to anyone about the experiences of marijuana that is detrimental long term. And that is yet to be seen here in our city. He turned in documented evidence to the Recording Secretary.

Jim Parker shared he has been a Priest since 2003. The ramifications of this are going to be incredible. It will effect younger kids, lead to more addiction, effect parents causing them to be negligent to their duties, it will effect schools and employment. He visits the Kane County Jail once a month to offer mass and meet with the inmates. It has been found that a lot of the inmates received drugs from their parents at a young age. He urged the Committee to say no and keep Batavia good for the children. We have heard at the beginning of the meeting from CASA and the wonderful work that they do for children of parents who are negligent to their duties. He asked that this not come to Batavia.

Lindsay Hartman, Founder and Director of Point to Point, stated she is here to address the blatant stigmatization of drug users. Cannabis use is not a moral issue nor is drug use a moral issue. No one questions your morality when you order a beer. You can do it at six different places within walking distance from here. For our community to say alcohol is fine but cannabis is not is problematic and dangerous. The conversations regarding cannabis use are saturated with racism and classism that is the result of the failed war on drugs. We need to do better as a community to recognize the very reasons why people use substances and not vilify them and act as if they are not welcome in our town. That is not who we should be. Every person that suffers from a substance use disorder feels isolated because of stigma and shame regarding their use. Continuing to demonize them is keeping people who use drugs in the shadows and making them less safe. We are sending a clear message to those who use substances that they do not belong in

Batavia and pushing them farther away. We cannot loudly contribute to the stigma against people who use drugs while also wanting to combat the overwhelming overdose rates in our County. If we want to see people alive we need to change the language regarding this. She reminded people that we are not arguing whether or not to legalize marijuana, which has already been done. Stigma kills people and that is what these conversations are. If you want a thriving community you need to lead with compassion and love thy neighbor.

Doug Land addressed the Committee. Almost everyone in this room drinks alcohol on occasion. Prohibition ended over ninety years ago. Alcohol has become normalized and socialized and accepted since then. Almost every Batavia city function includes the selling and serving of alcohol. It is part of our culture here in Batavia and that is a good thing. You can choose not to drink if you so choose. You can drink responsibly. Although most of the people in this room enjoy a drink he doubts that most of you are alcoholics. The same could be said for cannabis use. I also used to smoke cannabis back in the seventies every day for a number of years. The cannabis that you got back then is whatever someone happened to have. Now it is much more controlled and regulated. There is much more science behind how it is delivered and dosed. He stated that not everyone who drinks alcohol is an alcoholic and not everyone who smokes cannabis is without a job and living in their mother's basement.

Mary Ecamp stated that she does not feel that recreational cannabis is appropriate. It is not because there is a stigma. Her husband is a psychologist and works with many people. He works with those who have addictions, some who do not, homeless and volunteers. There is no lack of love. The question is about responsibility and compassion. We talk a lot about compassion in our community but what really is compassion, letting people do whatever they want? She thinks that those who are parents know that it is false. Just because permissible does not mean it is beneficial. She doesn't want her children exposed to an increased potential for connection with drugs. She shared how her daughter does not want to enter the bathrooms at the high school because they smell like vaping. The academic achievements are lowering and we cannot ignore that our choices and the greatest level of compassion effect our youth. The most responsibility that a human can exhibit is restricting freedoms for the sake of those who are younger or weaker, which are mostly our children. She cannot say that anyone in this community would say that they care more about economic tax increase than they do about people. Batavia is cute and small. She would rather have the legalized cannabis be a driving distance away so her daughter does not have to wonder whether the girl next to her is high. Her twelve-year-old daughter had a friend that disappointed her with drug use at the age of eleven. This has happened before it was legalized. It will be more prevalent. She does not judge those who choose to use but it is our choice. The right choice is compassion and concern for those who would indeed have it in hand, mostly our children, who are already exposed to that in our schools. Batavia is no longer a place where people could come for a place for a good education. She has considered leaving Batavia due to the experiences her children have had. This decision should be placed onto a ballot. To put our children into an environment where we say our freedoms are more important than putting safe boundaries around our children is not the community she moved here to be a part of.

Bob Vaughn stated that he recently moved into Batavia. His grandkids are here. We moved here because Batavia is a great town with great schools and would like to see that stay that way. He has worked in local government and the private sector. There are heavy decisions to make for the

benefit of the community. He is involved in a private foundation in Kane County who provides grants to non-profit organizations, several of which are substance abuse organizations. Without exception the substance abuse organizations inform us that the gateway drug is marijuana and that where everyone starts. This is not where he would like his grandchildren to start. There will be ample opportunity for people to purchase cannabis. We don't need to join the crowd. If the primary motivating factor for this is raising revenue he would offer his services. Revenue is a challenge for local government. We may need to look at raising revenue or cutting expenses. You have a heavy decision to make and do not take it lightly.

Eleanor Piscaponi stated it is all about money. Examine your conscious, why do you want a dispensary in Batavia. We do not need to think about the financial part of it. Think of the people in Batavia. We don't need a dispensary. They will find it and they will buy it. Think about it.

Bob Spence, thirty-eight years of public service first as an assistant state's attorney and then as a judge. He has seen lots of lots of cases that were affected by drug use. It is legalized, that is done and it is over. He has lived in Batavia for 37 years and it is a great community due to the leadership of Jeff Schielke and the City Council. He appreciates what you all do and the weight of this decision. He encouraged the Committee to read the statute that permits this. One of the things he just found out is something about what we are inviting into the community if this goes forward. One of those things is this, because this has been defined as a social justice issue, when people are applying for a license priority is given to those who have criminal convictions. We are inviting convicted felons into the community to set up shop. This has been legalized since January 1st and it is a cash business. Federal laws prohibit banking for money gained for this activity because it violates federal statutes. While it is legal here it is not legal federally so you cannot use the banks so it is a cash business. Six days after it is legalized a pot shop in Logan Square was burglarized with \$100,000 taken. Look at what else you are inviting into the community. You are inviting a lot of things into the community that we don't need. It is not advisable and it is not necessary. He does not question anyone's desire to do this. That does not concern him at all. If you say no on this it does not affect anyone's ability to attain it. The shop in Aurora is 3.9 miles away. St. Charles has approved it and that is 5 miles away. It is not too far. He thanked the Committee for their time and consideration.

Kim Holland stated while there are potential tax benefits she would like us to consider some of the real costs to our City or State. We could begin by looking at locations where legalization is well underway. The costs to those states and municipalities related to legal implications. As medical marijuana use continues to spread throughout various states they are facing a number of lawsuits. Municipalities are being sued by disgruntled marijuana dispensary operators who were forced to close due to regulatory changes of the state. There are many municipalities around the country who are fearful of making the wrong move after they have legalized it and invoke a lawsuit. Troy, Lansing and Detroit Michigan are all facing such lawsuits. There have been lawsuits regarding buffer zones and placement of the shops. There have been lawsuits over changing the way permits are awarded. Long-term efficacy of medical marijuana remains to be seen, there is the cost of medical marijuana for employers, which could be astronomical. It states with medical marijuana laws social security disability insurance claims have risen 9.9% post legalization. There has been an increase of employees using or attempting to use marijuana on the job. Typically courts have been in favor of employer's rights, 2017 saw multiple courts

across the country rule in favor of employees who have taken employers to court over marijuana use in the workplace. Employers who chose to settle marijuana related cases outside the court face costs of \$90,000 on average. Those cases that go to court face an average of around \$165,000 per case. Almost 25% of cases that go to court cost defendants an average of \$500,000. There are very expensive costs to employers and small businesses. This is regardless of whether or not policies are in place. There are also increased costs that insurance industries are looking closely at. There are real medical risks insurance companies are looking into such as the risk of cancer. Medical marijuana is responsible in the increase of the increase of schizophrenia, social anxiety disorders, suicidal thoughts and bi-polar disorder. All of these things have ramifications and insurance companies have money on the line so this is the type of research they are doing to determine what they need to charge in terms of the insurance premiums. The list goes on and on with the medical implications of marijuana. The Chicago Tribune just yesterday ran an article titled "Chicago Hospitals Brace for more Weed Related Visits" and the Illinois Poison Control are already fielding more cases, some involving children. Three cases involved small children who accidentally ingested edibles. As someone who has worked in the field of education for more than 25 years that is really concerning to think that the youth could get a hold of this, even accidentally. The University of Illinois Hospital has already seen an increase in cannabis related visits since January 1st. Many believe it is not possible to overdose on cannabis but that is incorrect. People do not realize that it takes more time for edibles to take effect so they consume more of it. There are also incidents of increased violent crime, especially homicide in states where marijuana has been legalized. That is an increased cost as well in terms of the manpower of our police.

Christina Anderson shared that she has twenty-five years in the safety and health business and works not with an insurance agency. This is of huge concern. The national survey on drug use and health is the largest substance abuse and mental health survey. The data from 2016 there were close to 68,000 respondents (12 years old or older). Most illegal drug users are employed. 8.8% are full time workers. 10.2 million drive under the influence of illicit drugs. 10-20% of those who die on the job test positive for drug or alcohol use. There is a huge concern amongst businesses and she held a webinar on this topic with over 100 people in attendance. There is also an impact of businesses affected by dispensaries. Anderson read an email from a business who had a dispensary as a next door neighbor. Traffic, decreased parking, and those waiting in line spill onto their property. Anderson stated that there are two police officers on duty at the North Aurora dispensary. For whatever the potential revenue from taxes are, it would be negligible. You would have huge increase in costs. Consider Colorado. There was a 66% increase in pot related traffic deaths and 72% increase in pot related hospitalizations due to marijuana-induced psychosis. Marijuana potency strains have up to 30% THC, so this is a highly potent product. Homelessness has skyrocketed and Colorado youth are number one in the nation for this past month. She shared her experience in California seeing youth smoking cannabis in public. She asked why did Naperville give a hard and fast no but not here. We should at least do some more research and find this out. She is all for bringing this to the people as a referendum.

Robert Wosliak shared that he wrote a letter wrote to Senator Oberweis submitted to City staff. The only reason he could see why the City would be in favor of this is the extra income. It does not sound bad if you put recreational in front of it. Recreational cannabis dispensary does not sound bad. Cannabis dispensary does not sound bad. You will be catching the kids more than

anyone else. We already have problems with vaping. The money is not worth it. This is not right. He asked why not recreational prostitution. Your kids are more important than the potential income.

Christopher Hallum, Batavia resident for almost twenty years and grew up in Aurora. He always thought of Batavia as a place where the leaders cared greatly for the success all of its citizens. This is a critical decision for the members of our community and this could change the trajectory of Batavia. He asked the Committee to think very deeply as you consider the evidence. We now have seven years of data with the experience of the western states who legalized marijuana. The tobacco industry renamed it to cannabis due to market testing they felt that imparted a medical technical term that would remove some of the prior thinking of the term marijuana. He discussed CMS and highlighted an article he found on Google Scholar. Some of the states that have already legalized have come nowhere near close to the negative cost impacts of legalizing and normalizing marijuana. Every tax dollar brought in amount the surveyed states the local government extended four dollars and twenty five cents in mitigated auxiliary help for the damages that have been caused: hospitalizations, treatment for cannabis use disorder, burn treatments, low birth weight babies, cost of physical inactivity, cost for businesses of policy development, cost to employers for rehabilitation, employees cost for rehab, arrests, juvenile court filings, Denver marijuana related crime, fatal car accidents, DUIs, homelessness, arrests, and significant increase of k-12 drop outs. He cannot believe this community would be in support of this. That is not what Batavia represents. The positives of tax revenues are some communities saw slight increases in local real estate appraisal values because those were already socio economically blighted problem areas. When the dispensaries moved in to those areas some sold their properties and in place put up parking lots. North Aurora businesses are having problems maintaining their parking spaces for their patrons. He asked that this evidence be considered to make an educated decision for this wonderful community. Many of the citizens would love to see it stay that way.

Louise Stalstrum stated that she emailed the Committee about this issue. She comes before you with a plea to not change the City's zoning laws to allow for the sale of recreational marijuana. You have the opportunity and the responsibility to just say no on it as an inroad into our community. People in this room could testify to the harm of it in their own lives as well as the lives of their family members. Statistics have been quoted from Colorado and Michigan. Those same problems will happen in our community. Don't get caught up with tax revenue profit that the businesses could bring into Batavia. Resist the temptation of other municipalities up and down the Fox River. You cannot put a dollar value on the loss of lives. Take a stand with Mayor Schielke. Vote to oppose any zoning changes that support the commercialization of marijuana within Batavia City limits.

Curt VanNorid stated that we all have a commitment to doing things right. As a resident of Batavia, he knows that this is a community who is committed to educational excellence. He has always been a fan of the Fox Valley Lego Robotics competition and he was involved in the first competition when he was in eighth grade. He showed the Committee an article featuring this particular competition. The Batavia Foundation for Educational Excellence made the competition possible through a generous grant. He asked that the Committee not make this decision based on fear mongering or potential threats. He asked that the potential funding from

recreational cannabis be used towards the school system and innovation challenges. He is not recommending putting a dispensary in downtown Batavia but perhaps the Zoning Commission could zone it for the outskirts of Batavia so we could benefit on tax revenue towards education and law enforcement so that we could address violent crimes and other relevant crimes. He urged the Committee to not rush towards a decision but consider all possibilities. This issue is not a question on if this is going to be allowed for recreational sales it is more a question of when. He thanked the Committee for their time.

Pricilla Carr stated that good statistics were already shared. She is not in favor of a dispensary. She is a mother of five and wants the very best for her kids. She wants a safe and good place for them to live as well. This is a very big decision and she hopes that you all think about this decision that you are going to make that would effect many lives. Now that marijuana is legalized younger kids are going to get it in their hands and that is a very real concern. More and more people will get addicted to this and it will some end lives. We really need to think of the ramifications that this decision would make. Her husband is a pastor and has been an airforce chaplain for thirty-two years and has been pastor in the area for twenty years. He works with the North Aurora Police Department as a chaplain. He prays that you will make a wise decision based on what you know and what you heard as well.

Dan Erickson shared how he almost lost his son to drugs. It started in high school when he started using pot. It took lot of money and a lot of prayers to get him off drugs. This is irresponsible to make it easier to get marijuana in this town. We already have a problem in the schools, fix that, but do not make it any easier to get marijuana in this town. He has been to Denver, he has seen homelessness on the streets. It has become worse due to the legalization of marijuana in the town. There is nothing recreational about losing a person to marijuana. He asked the Committee to truly think about that. Marijuana almost cost his son his life.

Ken Singer stated that seven citizens of Batavia overdosed and one on Christmas Eve. He shared that he spent several months on the border of Mexico and shared his experience with the Committee. There are more drugs coming in from Mexico than any other country. Many people who have died due to drugs their gateway drug was marijuana. He cannot believe you are even considering introducing this to our City. He loves this City and has been here for twenty years. Our City is beautiful. He hopes that the Committee would make the right choice. It is called recreational marijuana but would you consider this a recreation. If you vote yes, he would like an explanation why to those families of those seven citizens of Batavia who overdosed. He shared stories on how drugs and alcohol don't mix with the Committee. He asked and prayed that the Committee make the right decision.

Larry Straton, resident of thirty-two years, stated that he knows this is a serious decision that none of you are taking lightly. He has not heard anyone say that this is really good for our City. He has heard that all of the bad things that would happen are already happening because those around us have said yes. Why wouldn't we take advantage of the tax revenue when those bad things are going to happen anyhow so pragmatically we should get our piece of the pie so our Batavia citizens do not have to have higher taxes. He appreciates that logic. As a Batavia resident he feels that the Committee is trying to protect him from having higher taxes. He would just say don't worry about it. I am okay if my taxes go up. He does not want to live in a town that has

dispensaries when you could go either way and get what you need if you need it. He does not want the kids in the City go from I'm not going to do it to its right down the street and I know so many people who are doing it and it has become acceptable. He does not understand the logic that alcohol is here and people abuse it. There are things that are not working so why don't we add more stuff that is not working. That just does not make sense. He asked that if you don't believe that the overwhelming majority are against this to place this on a referendum to find out. Our City has gotten better and better, lets not go the other way just because this side of the wall crumbled and that side of the wall crumbled so our side of the wall might as well crumble. Let's not let our side of the wall crumble. Let this be a place where people could come and feel like this is my town and we are protected in this way.

Jake Shigaroo stated he is pro-dispensary in Batavia. This is happening. Cannabis is already in our community. To think that children cannot get marijuana now is false. Kids can get unregulated marijuana now. North Aurora has said yes, St. Charles has said yes, he would like to see a dispensary in Batavia and reap the tax benefits of that. He would like to know exactly where the tax benefits are going within our community as a level of transparency. It is very important that transparency is maintained and the money goes into our school system and law enforcement.

Bob Kekheffer stated that the issue is not whether or not marijuana is good or that it is bad but or if it is morally right or wrong. The issue is should Batavia participate with the distribution of marijuana now that marijuana is legal. You will be experiencing the effects of marijuana whether it is sold within our borders or not. It will effect law enforcement, social services and courts. The question is do we want to pay for those through general taxes or do we want to take advantage of the opportunity to offset some of those costs by participating in the sale of marijuana. He does not know yet whether this is the right thing or not. He urged the Committee to not think of the horrible things about marijuana but rather how this would affect Batavia and how do we want to respond to it.

Antonio Avion shared a real story with a kid he works with at a school he works at. The kid got involved with marijuana that let to something different, an even bigger drug, and ended up in jail and a rehabilitation center. One of the things he shared with me is that he wished he listened to you and turn back time and go back. Before making a decision, consider how it is like waiting with a family whose child is in the ER due to a drug overdose. Working with youth is a passion of his and he would do anything to protect them.

There being no others to address the Committee Chair Wolff opened the floor for Committee discussion.

Callahan stated that he appreciated the personal stories and backgrounds. He shared he was in law enforcement on the border. He was a detective and aware of all the crimes because of that. He has worked every type of debauchery that the human condition could take on each other. With that said, a gentleman posed the question and no he does not smoke. Callahan stated that he does not care about the dollar portion of it. The practicality of what the State did, the State decided this for us and we are left to deal with it. It is in our community whether we like it or not. As a practical measure, how do we protect our residents from what is going on that which

already exists. A way to do that is to regulate the sale of it so that people know what they are buying, what is in it, and everything that goes along with it. We will not be able to stop illegal back alley sales but the more that we have the opportunity to educate people about what they are consuming and the potential dangers because of it that is the rational morally responsible thing that we should be doing which is to look out for those people who are trying to make informed decision. Education entails knowing what you are consuming and what you are not consuming. Do we figure out ways to make sure we know where this is going, how it is being sold, where it is being sold, where we know the monitoring could be done by law enforcement. When it is above board and transparent you have an idea. If you don't those overdoses that people are talking about, there is no dispensary in town so why did they have them. Why did it happen already. Because no one knew what they were buying or how much to take. The concern that we have about the edible is that no one knows what is in them. No one knows what is in them or how much to take. If people start taking them twenty minutes from here and it kicks in when they hit our border it is our problem with the DUI. Why would we want our citizens to fend for themselves in other communities and bring the potential issues back to our community where we have no idea what they bought it or how they bought it. Those are the reasons why we would think of regulating it.

O'Brien stated that we have a transparent government here in Batavia. We work hard putting the budget together. What came of it is we fought real hard to not raise taxes. Here in Batavia we need to generate revenue for quality of life here in Batavia. From the onset when the question came up he was thinking of the money part of that. We have to find sources to generate revenue. With the research, reading and discussions with people the marijuana of the past was very innocent stuff. The chemicals they are putting into vaping is killing people, kids, and giving them all kinds of disabilities and it is the same stuff going into the cannabis. Even if it is regulated we don't know still what effects they are having. We do know that there are a lot of psychotic reactions from this. O'Brien noted he does not care what adults choose to do, drink or smoke that is on them. O'Brien stated that he is a firm no vote on this. As much as we need the revenues in Batavia, this is a poor source for this. He does not want to condone or contribute to the psychotic side effects to our children. He stated he has personal knowledge of a child who is institutionalized today and it breaks his heart. He is a hard no vote on this because we cannot do this to our youth.

Uher stated that because of the regulation of it the drug is safer. If he was on the State legislature he probably would not have voted for it but that is what is in front of us right now. It is in St. Charles and North Aurora. The only way he would support it is if the tax dollars are earmarked that they go towards public safety and nothing else. That is the impact we would have regardless. Uher noted that not everyone could find a doctor to get a medical marijuana license and with this at least distribution is handled in a professional manner.

Newman stated that there are public safety concerns in regard to theft of cash stolen on site. That increases when you have the dispensary here versus the costs of merely addressing the issues that Batavians are using cannabis.

Cerone stated that he is a no vote. When we approve it there is no turning back. We could say no and see the benefits or potential revenue down the line. We could see the numbers as they are

versus what we think they are. We could always add it later but once we add it we cannot take it back. He would push for some patience with that. Just because it is legal does not make it right for the town and for his conscious. He would support medicinal shops. The people who self medicate with alcohol or other drugs, that is where the real problem comes. He would not use the fact that some people can't get a medical marijuana license as an excuse to having a dispensary. We do not know the true cost to the Police Department. Remember this town and the brand we have with our schools. The number one reason people move here is because of the schools. That is families. Families are coming here. What is our brand going to be and the cost of that. We can wait. Every time you have to jump into something because you might miss the benefits they are the worst things to do. We are making a decision with conflicting information and we don't have all of the information. At the very least it would be best to delay this. He understands the hypocrisy in regards to the sale and distribution of alcohol but he has come to terms with it. The main thing for him is the message we are sending the kids. He has three children but he will let them know that he does not think that is okay and that it is not right for our town.

Chanzit stated that he is glad that the hypocrisy has been addressed since we just approved a blanket liquor license to our Park District. In a town where we have expanded liquor licenses and video gambling we are tremendous hypocrites for saying marijuana is different for some reason. Chanzit shared his friend's experience purchasing recreational cannabis and how the TCH level is listed on the sealed package. He would have purchased it in Batavia if we had a dispensary here. He came home to Batavia to smoke it in Batavia. We are fooling ourselves if we are saying it is not here. He anticipates it will be an uptick in resources and to leave that money on the table makes not sense to him. He also supports money towards Well Batavia, public education campaigns, and to finance officers in high school and middle school are all steps in the right direction. We decided to take a pause to see what all of the other communities are doing. We don't need to approve this tonight. It is not a matter of if but when. He does believe there will be a day where it is sold in the City of Batavia. The fact that we would be facing the problems with it in here anyways he does not know why we would wait tremendously long. In almost ten years on the Council the Mayor has never threatened to veto a thing. In ten years of covering him as a journalist he can't remember him threatening to veto a thing. It is a big deal that we are even discussion overriding his veto. He does appreciate the political gamble that he has spent on this. Chanzit stated he would hope there would be an ordinance that the fourteen of us could craft that the Mayor would sign and he immediately said that he is not playing games here and therefore it is on us. We need to come together if we want to do this. The strongest things we do here are 12-2 or 14-0. He would like to see as many of us on board as possible if we are going to vote on something like this.

Meitzler agrees that it is here and we have been dealing with it for a while. His own fear that now that the State has made the decision to legalize marijuana and having it for sale in two nearby towns it is going to be more prevalent and not hidden quite as well. He worries how we are going to deal with that. It is already here and we already have to deal with that but it will be more prevalent and we will have to deal with that too. He has been wrestling a lot with this but just with the video gambling if he were on the Council one month earlier he would have been a no vote. He has been absolutely opposed to the expansion of video gaming. He does not think it is good for our town or as beneficial as people want to see it. For those same reasons he wrestles with this as well. The three percent tax we could impose on this is something. But is that what

we need? He is not denying that we need to find revenue. We need to find ways to fund revenue to keep our quality of life good. We have struggled to find alternative sources of revenue this past budget season. He also has five kids in three different levels of schooling: elementary, middle and high school. He has heard the stories and he knows we have an officer in there. Very few of the kids are eighteen years of age or older purchasing tobacco products. They are still vaping and it is illegal. Even though the State has legalized marijuana for the age of twenty-one it will still happen under twenty-one. It will be more prevalent and he does not want his name on that so he will be a no.

Russotto stated that he would be for this because he would like to provide cannabis in a safe and efficient manner for those who want to buy it. He believes the State is only offering 47 licenses from January to May. He has no doubt that those applications are already made. He does not think we would be dealing with anyone coming to our community about this until 2021.

Wolff stated that all said and done, even if we do approve this, the chances of us getting a dispensary here even for medical are very slim. We would have a better chance of getting a production facility before we would get a dispensary. The supply side has already seen such a hit that they need to ramp up production in the State. Wolff stated that he does struggle with this. We went back and forth for several years to see if we could add another officer to handle some of the issues we have already had such as the heroin problems we have had in this community. Handling things on a better level requires funding. This could create a source of funding for a part-time officer. This is something that we can't ignore: what is in our community, what is coming to our community and the issues of having to deal with them. That being said, it is everyone's personal choice. He has known people who have smoked pot since high school and run successful businesses and lead fulfilling lives and he also knows people who have destroyed their lives. He could also say that he has seen ten fold the lives destroyed by alcohol. It has to at some level be on personal responsibility. It is in our community and has been approved by our State and it is legal whether you agree with that or not. As for video gaming, the establishments in our community who have them you don't even know they are there. You have to ask for where they are. He does not think people make their decisions on going to a business based on whether or not they have video gaming machines. Wolff stated that he does not live in the realty world but he can't imagine it would be on someone's mind whether or not pot is sold. The first thing people want to know is what are the scores in the schools, what types of sports teams they have, and do they have a great band. Illinois has recreational marijuana available and the fear that is out there about this is not going to ruin Batavia or Illinois. Springfield might ruin Illinois but marijuana is not going to ruin the State or the City. We have to take an approach where given the ability we have to control what is out there we should take the availability of the tax dollars that are available. He does not have any problem with going right to the max at 3% and agrees that it has to go towards public safety.

Callahan stated that he is not afraid to put this out for a public vote. The reason for that is Illinois was the first state to legalize marijuana without a vote from the people. With the best intentions, we are trying to figure out the best way to protect the people. He believes the best way is if it is going to be sold in the community that it be regulated.

Malay stated that the likelihood of a dispensary coming to Batavia in the near future is quite slim. There are forty dispensaries that were given licenses at the first of the year and there are seventy-five licenses that would be awarded by May. The likelihood of getting revenue off of dispensaries is not a substantial reason to support it. There could be revenue found from a grower coming here and using the power we need to sell. To him, the revenue piece is not why he is supportive of this law. The cannabis regulation and tax act that the general assembly has passed is truly about social justice. Article 7 is Social Equity in the Cannabis Industry. There is some revenue earmarked to address that social inequity. Social inequity has existed because we got the drug laws so wrong in this Country for so long. There have been children suffering for years where families have been destroyed because their parents have been incarcerated for non-violent drug offenses. We have talked about the border. He says lets take a cash cow away from the cartels that have been slaughtering people and destroying families along the border. That is the social justice he is interested in. He is interested in getting right what has been wrong for so many years. We are missing the boat if we don't realize what this legislation is really about. It is about doing things to right some wrongs that have existed in our Country and our State. He applauds the leaders in our State for realizing that we have a big problem. We incarcerate more than China and Russia combined and a big reason for that are non-violent drug offenses. Batavia should be part of the solution. To pass this law is a move in the right direction and Batavia should keep it in our thoughts on how we could be part of the solution.

McFadden stated that he would support this. The issue is not whether marijuana should be legal or not. The responsible thing for us to do would be to understand it and deal with it on our own terms, set our own regulations within the law and to set ourselves up to take advantage of some tax revenue to offset some of the the unfunded mandate that came with the State legalizing marijuana.

Knopp stated that he has struggled with this issue since it first came up. He has been solidly on the fence listening to arguments from both sides. He assured the meeting attendees that no decision was made by this Council before we came in here tonight. The cost offset of the law enforcement and first responder expenses that the City is going to face made sense to him until he heard some more voices. If we could use some of that money and not raise property taxes that is a good thing. He heard someone here say if you have to raise property taxes to keep the sale of marijuana out of our town he is for it. That changed where he is and got him off the fence. He cannot support a recreational shop here in Batavia.

Beck stated that she is not worried about any major changes to our town as a result to allowing dispensaries because she does not think that much is going to change. She does not think the rates of usage are going to skyrocket. If they do rise we may see a decrease in liquor sales. Of her friends who live in states that it is already legal, that is what they have done. They run marathons, have kids and get up early for their jobs and they don't want to be hung-over and she has no judgment on them if they want to take the edge off after a stressful day. They have replaced marijuana with alcohol with no difference to their lives otherwise. She thinks that there are a lot of people in this town who do it and will continue to do it. Maybe more will join. It is already in our schools and that is an issue we will have to face with or without this law. She is in support of dispensaries in Batavia.

Miller stated that he also would be in favor of this. He has had several discussions about this with his wife and his pastor. He has almost lost a brother-in-law to drugs. He is now getting his life back together. He has had discussions about this with him too. Miller shared his mother was a health teacher and she had discussions with him when he was young, when he was in college and even today. Miller continued that he is also not afraid of what can change. He loves this town and moved here because he loves this town. He believes this is something that is not going to change this town in a way in which many think it will.

Baerren stated that she believes we have to set our community up for the potential of the future and some of that includes the possibility of how we are going to deal with a law that has been made by the State. We have to deal with the consequences. Marijuana was used before this law was in effect and it will be used now that this law is in effect. The thing that scares her the most about marijuana is what people are ingesting prior to the regulation by the State. Our law enforcement will still have to deal with this new mandate and we will have to support them. She feels that if we agree to a dispensary, which she supports, that we do earmark the funds to public safety.

A COW informal tally showed ten were in favor of a dispensary and four were against at this point in the discussion. The Committee discussed the possibility of a referendum. The consensus was in favor of a referendum and having the referendum be binding. O'Brien asked the Mayor for his thoughts.

Mayor Schielke stated that the will of the people speaks for itself. He would not think it would be wise to do an advisory referendum because if you are to put it out there let the people truly make up their mind what they want to do. If the COW would vote ten to four in favor of dispensaries he would still veto it and the Council would have to vote on it a second time making this a legacy vote. Mayor Schielke stated that he has had very sad and dark moments as Mayor of this town with some of the families with kids who have been lost to drugs. It is one of the saddest things one would have to deal with. He hears often that it all started with marijuana as a gateway. It is a sad situation and having lived that experience and seeing the utter tragedy that has been created by this he cannot in good conscious put his name on anything that legalizes drugs in the City of Batavia. That is the end of the story. If the people vote for it than that is the decision and it would go forward. He commends the Committee's idea to let the people make the decision.

The Committee asked staff to work with legal counsel to formulate a question on whether or not to allow recreational cannabis dispensaries in Batavia to be placed on the November ballot. The consensus of the Committee was in favor of making this a binding referendum.

20. Project Status

Newman reported on the following:

- The Kane County Division of Transportation (KDOT) invited City staff to a stakeholders meeting today to discuss the improvements at Fabyan Parkway and Route 31. They have created a public website called Fabyan31intersection.com and this information would be distributed to the Committee and on social media.
- Newman attended the Fox Valley branch of the American Public Works Association annual meeting and at that meeting there were six regional projects that received awards.

The City of Batavia's wastewater treatment plant was the recipient of one of the awards. Trotter and Associates accepted the award.

21. Other

There were no others at this time.

22. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 10:26pm; Made by O'Brien; Seconded by Callahan. Motion carried.