

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
Bryan A. Vogel

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster & Keck, P.C.

October 28, 2019

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEE Annexation; Building; Zoning; Subdivision (Heap/Albers/Matchett/Meehling)

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, October 30, 2019, at 5:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of September 25, 2019 Minutes
2. Zoning Report/Nuisance Properties
3. Meadow Pines/Edison Estates Subdivisions
4. Code Revisions/Legal Review
5. Bill's Auto Service
6. Purchase of 310 W. Washington
7. IML Cannabis Business Prohibition and Zoning Ordinances

B. New Business

C. General Concerns

D. Public Participation

E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c)(1)]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS, 120/2- (c)(2), real estate transactions [5 ILCS, 120/2 - (c)(5)]; discussion of executive session minutes, [5 ILCS-120/2-(c)(21)]; discussion of purchase or lease of real property for the use of the public body, [5 ILCS-120/2-(c)(5)]; or discussion of the setting of a price for sale or lease of property owned by the public body, [5 ILCS-120/2-(c)(6)].

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Heap/Albers/Matchett/Meehling)
Wednesday, September 25, 2019 at 5:30 p.m.

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The meeting of the Legal and Ordinance Committee was called to order at 5:30 p.m. by Chairperson Mike Heap on Wednesday, September 25, 2019, in the Freeburg Municipal Center. Members attending were Chairperson Mike Heap, Trustee Denise Albers, Trustee Ray Matchett, Trustee Lisa Meehling, Mayor Seth Speiser, Village Clerk Jerry Menard, Trustee Mike Blaies, Trustee Bob Kaiser, Zoning Administrator Matt Trout, Chief Mike Schutzenhofer, Public Works Director John Tolan, Village Administrator Tony Funderburg, Village Attorney Fred Keck and Office Manager Julie Polson (absent). Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of August 28, 2019 Minutes: *Trustee Denise Albers motioned to approve the August 28, 2019 minutes with corrections and Trustee Lisa Meehling seconded the motion. All voting yeas, the motion carried.*
2. Zoning Report/Nuisance Properties: Zoning Administrator Matt Trout issued 9 occupancy permits; 5 building permits which included 2 mobile homes, 2 new homes and 1 shed. Matt has sent out the nuisance property report.
3. Meadow Pines/Edison Estates Subdivisions: Regarding Meadow Pines, there is one person living out there, and one spec home is almost done. They are talking about starting the next couple of phases and putting 5 spec homes out there. Matt advised they are trying to figure out how everything is going to work within the elevations at Edison Estates. Matt spoke with Tim Pruett today regarding the fiber line and confirmed it is within the easement.
4. Code Revisions/Legal Review: Nothing new to report.
5. Bill's Auto Service: Chairperson Heap advised he and Matt recently visited Bill. He has shown some really good improvement, and Chairperson Heap believes we have gotten our message across that this needs to continue. We will continue to monitor this situation.
6. Purchase of 310 W. Washington: Village Administrator Tony Funderburg confirmed the property has been purchased. We are waiting for the deed to finalize that part of the process. We will then bid the demolition of the home.

B. NEW BUSINESS:

1. IML Municipal Cannabis Business Prohibition and Zoning Ordinances: Attorney Keck said there is only one lounge in the state of Colorado that is functioning. He found out the National Institute of Business does not provide dram shop insurance for marijuana coverage. He believes this will regulate this itself. With the new law, we will be the most regulated state with regard to the disbursement of the actual marijuana itself. There won't be any open shop areas to purchase the cannabis, it will be kept in an evidence locker. As a board, we need to make a decision on whether or not we are going to authorize a recreational dispensary to be allowed as a permitted use in Freeburg. If we do want to move forward with this, we would pass the retail occupational tax up to 3%. It can be zoned however we want, and there is a

Legal and Ordinance Committee Meeting

Wednesday, September 25, 2019

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limit of 3 of them in Freeburg. Maryville, Collinsville and Sauget have said yes. Edwardsville and O'Fallon have said no. Attorney Keck believes the general consensus is for these dispensaries to be placed near interstates and easily accessible locations since there are only going to be 50 licenses issued initially. Attorney Keck advised the state is estimating between \$11,000,000 - \$19,000,000 sales at each location. With a 3% sales tax on \$10,000,000 that is \$300,000 in sales tax revenue. The committee discussed our zero tolerance policy regarding drug use and the new law won't allow it. Tony said the law state a person can't be impaired. We don't have any specific level that states when they are impaired. Attorney Keck thinks we can make our collective bargaining agreements supersede that. Naperville Police are on a test pilot for saliva testing but there has not been any adopted, approved test. If allowed, this would bring an increase in traffic to Freeburg. Attorney Keck said the most repetitive question asked is the next step recreational use everywhere? He believes in the years to come, many of the regulations will be relaxed, and those decisions will be made on a state level. Tony stated the federal law as it is currently written, still says it is illegal. He will email everyone the frequently asked question booklet provided by IML.

The park board would like to use Village Hall for their meeting place. Tony will keep us informed.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: Janet asked what time they can start construction in the morning and Mayor Speiser advised 6:00 a.m.

E. ADJOURN: *Trustee Lisa Meehling motioned to adjourn at 6:08 p.m. and Trustee Denise Albers seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
OF THE VILLAGE OF FREEBURG BY THE ADDITION OF
[ARTICLE/CHAPTER] _____
PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS**

WHEREAS, the Village of Freeburg has the authority to adopt ordinances and to promulgate rules and regulations [that pertain to its government and affairs and] that protect the public health, safety and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, which provides that the City/Village has the authority to prohibit adult-use cannabis business establishments; and

WHEREAS, the Village of Freeburg has determined that the operation of cannabis business establishments would present adverse impacts upon the health, safety and welfare of the residents, and additional costs, burdens and impacts upon law enforcement and regulatory operations of the Village; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Freeburg as follows:

SECTION 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. Cannabis Business Establishments Prohibited. Chapter ___ of the Municipal Code of the Village of Freeburg shall be amended by the addition of [Article/Chapter] ___ that will read as follows:

ARTICLE [CHAPTER] _____ Cannabis Business Establishments Prohibited.

1. Definitions. The following words and phrases shall, for the purposes of this Article [Chapter], have the meanings respectively ascribed to them by this section, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis

Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

2. Cannabis Business Establishments Prohibited. The following Adult-Use Cannabis Business Establishments are prohibited in the Village of Freeburg. No person shall locate,

operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of Freeburg of any of the following:

- Adult-Use Cannabis Craft Grower
- Adult-Use Cannabis Cultivation Center
- Adult-Use Cannabis Dispensing Organization
- Adult-Use Cannabis Infuser Organization or Infuser
- Adult-Use Cannabis Processing Organization or Processor
- Adult-Use Cannabis Transporting Organization or Transporter

3. Public Nuisance Declared. Operation of any prohibited Cannabis Business Establishment within the Village in violation of the provisions of this Article [Chapter] is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

4. Violations. Violations of this Article [Chapter] may be enforced in accordance with the provisions of Article [Chapter] ___ of this Code.

5. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

6. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

ADOPTED THIS _____ day of November, 2019.

AYES _____ NAYS _____

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ABSENT _____ ABSTAIN _____

APPROVED THIS _____ day of November, 2019.

Village President

ATTEST:

Village Clerk