

**MINUTES OF THE MEETING OF THE JUDICIARY COMMITTEE OF THE  
 BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE, FRIDAY,  
 OCTOBER 18, 2019 AT 11:00 A.M. IN THE TRAINING ROOM, SECOND FLOOR,  
 WILMETTE VILLAGE HALL, 1200 WILMETTE AVENUE, WILMETTE, IL 60091**

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Members Present: Trustee Senta Plunkett, Chair  
 Trustee Gina Kennedy  
 Trustee Joel Kurzman

Staff Present: Jeffrey Stein, Corporation Counsel

Guests Present: None

**I. Call to Order.**

Trustee Plunkett called the meeting to order at 11:01 a.m. Committee members Plunkett, Kennedy and Kurzman were present.

**II. Approval of Minutes: Judiciary Committee Meeting of March 8, 2019.**

Trustee Plunkett directed the Committee’s attention to the draft minutes of the Judiciary Committee meeting of March 8, 2019.

Trustee Kurzman moved that the Committee approve the minutes, seconded by Trustee Kennedy.

No further discussion occurred on the motion. Upon a call of the roll the following voted:

Ayes Trustees Plunkett, Kennedy and Kurzman.  
 Nays: None.

**The motion carried.**

**III. Public Hearing: Review and discussion of amendments to the Zoning Ordinance regarding Cannabis Business Establishments.**

Trustee Plunkett opened the public hearing.

Corporation Counsel Jeff Stein said the public hearing is regarding zoning amendments for Chapters 6-9. Mr. Stein said the Judiciary Committee was deemed a Special Zoning Committee by the Village Board and public notice was made in the Wilmette Beacon and on the Village of Wilmette website.

Mr. Stein reviewed the definitions added to the Wilmette Zoning Ordinance to ensure the Village clearly defines the uses for recreational cannabis business establishments. The definitions are verbatim from the State of Illinois Statute.

Mr. Stein discussed the moratorium, which is set to expire in June of 2021 because there will be a referendum on the general ballot for the public to vote on whether or not they want recreational cannabis business establishments in Wilmette. He said this gives approximately eight months to coordinate a public hearing process if recreational cannabis business establishments are voted in. If the answer to the referendum is no, an ordinance can be drafted before June of 2021.

Trustee Kennedy said she wonders about the moratorium in relation to the quickly unfolding developments at Edens Plaza. She said she thinks that would be an ideal location for a cannabis business establishment and is concerned about timing with the moratorium in place. Mr. Stein said that the number of licenses available in 2020 is limited; therefore, there is time even with the moratorium in place to evaluate possible locations.

Trustee Plunkett said she is in favor of the moratorium but that it needs to be drafted carefully with regard to the referendum. Mr. Stein said we are in a holding pattern currently, awaiting the state mandated time frame for filing the referendum. He said the language of the referendum can cover all the pertinent topics, which can be discussed at a later date. He said this hearing is just to decide whether or not a moratorium is desired but that legislation can be brought back at any time for whatever reason.

Trustee Kennedy said she is worried about resident perception and public relations. She said she feels the moratorium ties the Village's hands.

Trustee Kurzman said he agrees and that the moratorium is tantamount to passing on cannabis. He said even if more licenses are available, it seems to be that dispensaries in bordering towns will be further ahead in the process than Wilmette. He said he doesn't see a business case for someone to set up shop in Wilmette or if so it won't be a revenue generator big enough to force us to step out on a limb for it. He said he does not have residents knocking down his door to get a dispensary here, but he is not sold on the moratorium because it prohibits actions that could be taken now if desired. He also said the idea of a referendum gets people engaged socially but what's the connection between zoning and social?

Mr. Stein said that there are options for the referendum and it's going to come down to the language and it is possible to pose two questions regarding the social and zoning aspects.

He said the current discussion is about the moratorium. He said the date could be changed. Trustee Kurzman said the date makes sense but that he feels like Wilmette was late in addressing the issue.

Trustee Plunkett said the moratorium is prudent. It's a wait and see approach. She said it's not like people are knocking on the door to get into Wilmette to sell cannabis. She said it's a cash business and our police force is not large so these are things to think about when you have a dispensary.

Mr. Stein agreed and said Wilmette can watch the test cases in other towns. He also said that revenue is hard to gauge.

Trustee Kurzman asked if other villages are setting up shops, what dollar amount is the threshold to changing opinions here in Wilmette. He said to remove the social component of the decision and focus solely on revenue, there has to be a quantitative aspect.

Trustee Kennedy said she doesn't think that's an issue to consider. She doesn't believe revenues will be as high as some are forecasting and that consumers will not purchase high dollar cannabis when cheaper cannabis is available on the black market, which she believes will still be available even after the legalization.

Trustee Plunkett agreed about the monetary aspect at this point. She said Wilmette is in a strong financial position and residents feel making prudent decisions is more important than saving a few dollars on taxes.

Trustee Kurzman said he doesn't believe it will be a big money maker so that's not a calculation for him either.

Trustee Plunkett asked in the Act, what can dispensaries sell? She asked if they can sell brownies and gummie bears. Mr. Stein said yes. If the product is pure cannabis, it's by weight. If it is by product, it's by concentration and there is a limit for both. Trustee Plunkett asked if Wilmette would have authority to limit what dispensaries can sell. Mr. Stein said that Wilmette would be hard pressed to regulate that unless there was some special zoning agreement with the end user.

Trustee Kurzman commented on the law enforcement aspect. He asked if there was a test to gauge impairment for cannabis. Mr. Stein said yes and that even if it is legal to smoke it, it's still illegal to drive while impaired. He said Wilmette Police Department is equipped to test drivers. These tests are generally subjective. He said he believes there will be future field test improvements forthcoming.

No further discussion was forthcoming. Trustee Plunkett closed the public hearing.

#### **IV. Discussion of amendments to the Village Code in regards to Cannabis regulations and related provisions.**

Mr. Stein said these are regulatory changes that need to be made to the Wilmette Village Code in response to the January 1 legalization of recreational use of cannabis, including the inclusion of a moratorium.

He said that originally the misdemeanor local charge of possession of drug paraphernalia was removed, but that after a discussion with Trustee Kennedy, it was decided to put it back in with a local fine through adjudication.

Trustee Plunkett asked what happens to people carrying black market cannabis. Mr. Stein said that it's broken down by weight whether it's a local misdemeanor or felony. He said to determine how it's been purchased is an issue. He said all dispensaries will have cameras tied into the Illinois State Police Department, but if you can't see the purchase on tape, it will be difficult to prove. He said selling is automatically a crime, which hasn't changed. The Cannabis Control Act is still in effect as well, so arrests in places that are prohibited will still be enforced. The same is true for paraphernalia. While paraphernalia can be considered legal by itself, it can be tested for residue of illegal substances, which can aid in pressing charges related to the illegal substances.

Mr. Stein then discussed where the legal cannabis can be smoked. He said the regulations will mirror regulations already in place for designated smoke free areas. He also said the definitions of "public place" and the language for the Cannabis Regulation and Taxation Act will also be placed verbatim in the amendments for clarification.

Trustee Kennedy talked about the exemptions to the public places. Trustee Plunkett said the emphasis is on smoking but she doesn't believe that most of the legal cannabis will be smoked. Mr. Stein said that there is language about "otherwise consuming" cannabis in the Ordinance. Trustee Plunkett also said the Police Department will need to put out information to educate the public on what's prohibited under the new law. Trustee Kennedy said that education on how the law applies to non-residents is essential as well since the laws are different for non-residents.

No further discussion occurred. Trustee Plunkett made a motion to recommend approval of Ordinance #2019-O-63, as amended during conversations of the committee meeting, seconded by Trustee Kennedy. Upon a call of the roll the following voted:

Ayes Trustees Plunkett, Kennedy and Kurzman.

Nays: None.

**The motion carried.**

After the vote was taken, Trustee Kennedy discussed vaping as it relates to the new cannabis use laws. Trustee Plunkett said so much research is being done; therefore, taking a wait and see approach is prudent at this point. All were in agreement that no action needs to be taken at this time.

**V. New Business.**

None.

**VI. Public Comment.**

There was no public comment.

**VII. Adjournment**

Trustee Plunkett moved, seconded by Trustee Kennedy to adjourn. Upon a voice vote, the motion passed unanimously.

Trustee Plunkett declared the meeting adjourned at 11:07 a.m.

Respectfully Submitted,

Jeffrey Stein,  
Corporation Counsel