

**MINUTES  
SPECIAL MEETING  
VILLAGE OF NILES, BOARD OF TRUSTEES  
October 8, 2019  
7:00 p.m. Special Meeting**

*A video recording of this meeting can be viewed on the Village of Niles website [www.vniles.com](http://www.vniles.com).*

**CALL TO ORDER** The Special Meeting of the Board of Trustees was called to order at 7:00 p.m. by President Andrew Przybylo in the Council Chambers, Village of Niles Municipal Building, on Tuesday, October 8, 2019.

**PLEDGE OF ALLEGIANCE** President Przybylo led the Pledge of Allegiance.

**ROLL CALL** Village Clerk Marlene Victorine called the roll. Board members present were President Andrew Przybylo, Trustees George D. Alpogianis, John C. Jekot, Danette O'Donovan Matyas, Denise McCreery and Dean Strzelecki. Trustee Craig Niedermaier was absent at roll call and arrived at 7:03 p.m.

**RECESS** At 7:01 p.m. the Board recessed.

**RECONVENE** At 7:05 p.m. The Board reconvened and Village Clerk Victorine announced that all Board members were present including Trustee Niedermaier.

**PUBLIC COMMENTS**

*Al Schafer, Niles*

*Mr. Schafer commented that he is opposed to marijuana sales and usage in Niles – let's keep this Village as the best place to raise kids and families.*

*Barbara Jedrzejek, Niles*

*Ms. Jedrzejek is opposed to having marijuana in this town as it will bring violence and addictions and will be very bad for our young people. Niles is a family town.*

*Louella Preston, Niles*

*Ms. Preston, dressed in her Niles "Best Place in the U.S. to Raise Kids" t-shirt, stated that she is very proud of having been on the Board for years to earn this distinction and is sure that if the marijuana law is passed tonight that will no longer be the case. She is especially concerned about the Golf Mill area which is proposed in the zoning ordinance. She asked the Board to make the right decision and leave a legacy for the Village of Niles like she did.*

*Rosemary Palicki, Niles*

*Ms. Palicki commented that she does not support recreational marijuana and approving it in Niles will not “protect the health, safety and welfare of its residents” as the proposed Ordinance states. Services by the Police Department, Fire Department and Family Services will increase and only add additional expenses. There are other ways to look at the budget to cut costs, without this revenue. Please don’t vote yes on this.*

*Jim Boratyn*

*Mr. Boratyn commented that knowledge is power and that there is no documentation of anyone ever overdosing on cannabis, nor have there been any disasters since medical marijuana has been legalized.*

## **NEW BUSINESS**

### **Ordinance Amending Appendix B Zoning Ordinance: Section 3 Zoning Districts, Section 7 Special Purpose Districts, Section 8 Uses and Section 10 Off- Street Parking and Loading of the Niles Code of Ordinances Pertaining to Adult-Use Cannabis**

Trustee McCreery made a motion, seconded by Trustee Strzelecki, to adopt the Ordinance Amending Appendix B Zoning Ordinance: Section 3 Zoning Districts, Section 7 Special Purpose Districts, Section 8 Uses and Section 10 Off-Street Parking and Loading of the Niles Code of Ordinances Pertaining to Adult-Use Cannabis. The Planning and Zoning Board voted 6-1 to recommend approval of the proposed amendments to the Zoning Ordinance after a public hearing on September 16, 2019.

President Przybylo asked for comments from the Board members. Trustee Strzelecki stated that personally he is against the legislation, but as an elected official he needs to listen and gather information and do what he thinks is best for Niles. Legislation of this drug was approved on the state level and out of the Village’s control. The Village is prohibited from making the use of marijuana illegal in Niles. The newly elected Governor made the topic of recreational marijuana part of his platform and a majority of the Niles voters, 52%, voted for Governor Pritzker. Although this is not an overwhelming percentage, it is still the majority of the Niles voters. If this was an issue that the Niles voters did not want, the message should have been made at the polls. Also, there is no pressure from the voters on our Federally elected representatives to do something about the states that have legalized marijuana, which is still classified by the Federal government as a Schedule 1 drug. If we were to vote against dispensaries, this does not preclude residents, shoppers and visitors of Niles from consuming the drug. Niles will be experiencing the negative effects of this drug with increased adult and youth issues from Family Services, increased medical and psychological disorders, hazardous material handling, increase in

DUIs and accidents. The Village needs to offset some of the related costs of this through taxes and fees. Trustee Strzelecki stated that he does not want to put the entire local burden of this legislation on the Niles taxpayer.

Trustee Matyas commented that she is in favor of medical marijuana, but when it comes to recreation, she thinks that Niles has to think of another way to generate revenue besides selling drugs.

Trustee Jekot read from notes he has taken from previous meetings: one site will generate about \$10 million in sales, the Village's annual cut may be about around \$400,000, results of a referendum was 51% of voters in favor of legalizing marijuana, and the Village will use the revenue to hire additional Family Services staff to provide addiction services and outreach to schools, and revenue will also be used to fund the pensions. Illinois has made cannabis legal, regardless if Niles opts out, other communities will legalize it and Niles will still be affected.

Trustee Niedermaier commented that he has polled members of law enforcement regarding whether they would rather approach someone having used marijuana or someone who has overindulged with alcohol and the answer is resoundingly marijuana. This is not necessarily the only reason he is in favor of it, and he would also not vote for something just because it makes the Village money. Addressing this issue makes more sense than pretending it doesn't exist. The restrictions on this are going to be very severe, far more than alcohol or any controlled substance. You shouldn't see people smoking marijuana on the street or in establishments; it can only be done in the privacy of your home. He stated that although marijuana can be addictive, it is far less addictive than other substances that have far more control. If the Village wants to start mandating this, we need to start looking at Starbucks and alcohol establishments.

Trustee McCreery stated that this issue has been in the forefront of her conversations with residents for the past few months. It has been very difficult because it's almost always a 50/50 split in addition to an age demographic between that split. When she casts her votes, she bases it on what Niles residents would like and what is best for the Village. In addition, she is concerned with the history of the number of liquor and video gaming licenses in the Village, there is a pattern with increasing numbers and locations.

Trustee Alpogianis stated that he is not a big fan of approving marijuana as he has seen what addiction can do to families. He stated that just because something is legal doesn't make it right. Trustee Alpogianis proposed a friendly amendment that there will be no smoking in public or in an automobile. Village Attorney Grcic stated that this particular ordinance is for regulating zoning which will be creating a district and outlining what can happen in that district. Trustee Alpogianis stated that he wants this on record and asked for a proposed ordinance regarding no smoking in public or in automobiles to be added to the next Board agenda and President Przybylo agreed.

Trustee Alpogianis proposed a friendly amendment, should this ordinance pass, that on the next regular agenda there will be a proposed ordinance stating that 100 percent of the tax dollars go to fund the pensions, strictly, above and beyond what the yearly actuary commitment is for the Village in our budget. President Przybylo stated that the Village is obligated to use a portion of the revenue for education for the schools and law enforcement. It is President Przybylo's strong belief that there will be problems in the schools whether Niles approves this or not.

Trustee Alpogianis reminded everyone that when video gaming was approved, the Village committed 25% (\$85,000 year) for educational programs on addiction, etc. which is already in place. In addition, his research has shown that stores that open up in a community give on average \$50,000 to the municipality to educate our children. President Przybylo suggested that any license for the purpose of selling marijuana be set at \$15,000. Trustee Alpogianis countered with \$25,000 and use the money to educate the kids. Attorney Grcic stated that the State is in charge of licensing the cannabis locations.

Attorney Grcic recommended that Trustee Alpogianis' suggestion for funding the pensions should be sent to the Finance Committee for further discussion.

Trustee Alpogianis proposed a friendly amendment to the zoning ordinance that one dispensary is allowed in 2020 in the northern area and if a second one comes in 2021 that the second one is going along Touhy Avenue in the southern area and that the central area be eliminated. After much discussion by the Board, it was clear that Trustee Alpogianis was trying to limit cannabis locations to one in the south and one in the north. As an alternative, Trustee Niedermaier suggested increasing the footage between locations.

**RECESS  
RECONVENE**

At 7:59 p.m. the Board recessed.

At 8:11 p.m. the Board reconvened – all Board members were present.

The Board continued the discussion on the proposed zoning regulations ordinance for adult-use cannabis. President Przybylo explained that the central area was selected specifically for the warehouse district for craft growers who can also sell.

Trustee Alpogianis proposed a friendly amendment to the proposed ordinance to eliminate the central district and create a linear separation in the south district of 5,000 linear feet. On roll call, the vote was:

YEAS: 6 Alpogianis, Jekot, Matyas,  
McCreery, Niedermaier, Strzelecki  
NAYS: 0  
ABSENT: 0  
ABSTAIN: 0

There being 6 affirmative votes, the **MOTION CARRIED.**

President Przybylo called for a vote on the original motion made by Trustee McCreery and seconded by Trustee Strzelecki to adopt the Ordinance Amending Appendix B Zoning Ordinance: Section 3 Zoning Districts, Section 7 Special Purpose Districts, Section 8 Uses and Section 10 Off-Street Parking and Loading of the Niles Code of Ordinances Pertaining to Adult-Use Cannabis as amended. On roll call, the vote was:

YEAS: 4 Jekot, Niedermaier, Strzelecki, Przybylo  
NAYS: 3 Alpogianis, Matyas, McCreery  
ABSENT: 0  
ABSTAIN: 0

There being 4 affirmative votes, the **MOTION CARRIED.**

**PUBLIC COMMENTS**

*Shawn Phillips, Niles*

*Mr. Phillips commented that he previously provided the Board with actual statistics on cannabis use and is happy that this passed. He thinks this will be a huge benefit financially and socially.*

*Louella Preston, Niles*

*Ms. Preston thanked Trustees Alpogianis, McCreery and Matyas for their no vote on this ordinance. She stated that by passing this the Board is attracting people to come into the Village to buy marijuana.*

*Jim Ciemny, Niles*

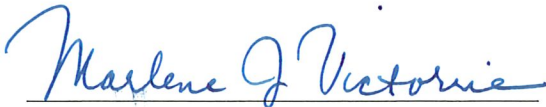
*Mr. Ciemny asked for clarification on the borders of the southern area of the overlay district.*

*Jim Boratyn*

*Mr. Boratyn commented that there are three different aspects regarding cannabis: government; law enforcement and the medical end. He told the Board they did the right thing by approving the ordinance and wished them the best of luck.*

**ADJOURNMENT**

There being no further business to come before the Board, motion to adjourn was made by Trustee Strzelecki, seconded by Trustee Alpogianis. On roll call, all concurred. The meeting adjourned at 8:31p.m.



Village Clerk



Village President