

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF BOLINGBROOK – AUGUST 13, 2019

CALL TO ORDER:

The Regular Meeting of the Mayor and Board of Trustees of the Village of Bolingbrook was called to order at the hour of 8:00 p.m., August 13, 2019, in Bolingbrook, Illinois, by Mayor Roger C. Claar.

PLEDGE OF ALLEGIANCE:

Mayor Roger C. Claar requested Steven Boyles, Bolingbrook resident, Managing Broker/Owner at Steven Charles Real Estate and a Bolingbrook Firefighter to lead the pledge to the Flag.

ROLL CALL:

Village Clerk, Carol S. Penning, called the roll:

Present were: Mayor Roger C. Claar, Trustees Maria A. Zarate, Michael T. Lawler, Mary Alexander Basta, Michael J. Carpanzano, Sheldon L. Watts, and Robert M. Jaskiewicz

Also present were:

Village Clerk – Carol S. Penning, Village Attorney - James Boan, Public Safety Director – Ken Teppel, Finance Director – Rosa Cojulun and Director of Public Services & Development - Lucas Rickelman

Absent: None

Representing the press: No press was in attendance.

JOURNAL OF PROCEEDINGS:

Motion Zarate, second Lawler to approve the minutes of the regular meeting of July 23, 2019 Village Board meeting as submitted by the Village Clerk.

Voice vote. Motion carried.

APPROVAL OF AGENDA/ADDITIONS:

Jim Boan, Village Attorney indicated that he had no additions or deletions for the agenda.

Mayor Claar changed the order of the agenda and indicated that it will be prepared this way from this day forward. He stated that some individuals have indicated that the allotted time for public comments on the agenda is listed after the items to be voted on have been already approved. He added that in the 34 years that he has been mayor, he has never stopped anybody from making a public comment about agenda items during the meeting. From now on, we will have public comments after the Reports of Officers. He mentioned that there would most likely be another opportunity for comments for the press at the end of the business meeting.

Motion Basta, second Zarate to approve the agenda as revised.

Voice vote. Motion carried.

APPROVAL OF APPOINTMENTS: None

RECOGNITIONS: None

REPORTS OF OFFICERS:

MAYOR CLaar

PROCLAMATIONS:

INDIA'S 72nd INDEPENDENCE DAY, August 15, 2019: Mayor Roger C. Claar proclaimed August 15, 2019, INDIA'S 72nd INDEPENDENCE DAY and urged all residents to appreciate the contributions of our Indian-American community and join with them in celebrating their 72nd Anniversary. Prem Lalvani accepted the proclamation.

PAKISTAN'S INDEPENDENCE DAY, Saturday, August 24, 2019: Mayor Roger C. Claar proclaimed Saturday, August 24, 2019, PAKISTAN'S INDEPENDENCE DAY and asked all residents to recognize the contributions of our Pakistan-American community and join with them in celebrating the 72nd Anniversary of their Independence Day. Talat Rashid accepted the proclamation.

BOLINGBROOK JUBILEE, August 16-18, 2019: Mayor Roger C. Claar proclaimed the BOLINGBROOK JUBILEE to be held Friday, August 16th through Sunday, August 18th. He urged all residents and their families to join with friends and neighbors to enjoy this fun filled weekend. Vice Chair Kathy Donnelly accepted the proclamation.

PROMOTIONS/SWEARING IN:

MAYOR CLaar ADMINISTERED THE OATH OF OFFICE TO THE FOLLOWING INDIVIDUALS:

Mayor Claar provided detailed information about each individual prior to being sworn-in.

Fire Department: Dave Butcher was sworn-in as a Lieutenant.

Police Department: Jonathon Schurr was sworn-in as a Police Officer. Jonathan's brother is also an officer with the Bolingbrook Police Department, and his father David Schurr retired from the BPD after serving 30 years, four months and two days. Dave mentioned that he is proud of his sons and their career path.

Also in attendance for the swearing in ceremony were:

- The families of Dave Butcher and Jonathon Schurr
- Ken Teppel, Public Safety Director; Trinidad Garza, Deputy Fire Chief, Michael Rompa, Deputy Police Chief
- Fire and Police Board: Major Jones, Chair; and members Talat Rashid, Prem Lalvani and Sandra Baldassano

QUESTIONS FROM THE AUDIENCE AND PRESS:

Mayor Claar shared that Trustee Zarate was going to make an announcement in her Trustee's report regarding "El Grito", Mexican Independence Day Celebration. He explained that a resident is in the audience and he would like to share details of "El Grito". He asked Trustee Zarate to provide some information on the event. Trustee Zarate provided details and the location of the event at the Performing Arts Center in September.

Longtime resident and event planner Chewey Serna provided information about "El Grito". He thanked Mayor Claar and the Board for the support of the Hispanic community. He added that Bolingbrook is a wonderful and diverse community. The upcoming event shares our traditions, food, music, dancing, and vendors that will be selling items from Mexico. This is the second year the CIMA organization is hosting this event. Chewey expressed that it is important to remember where they came from and to celebrate Mexican Independence Day. He then shared the event information in Spanish.

Mayor Claar asked Director of Public Safety Ken Teppel to make a few comments regarding cannabis business establishments in Bolingbrook. Ken Teppel indicated that it should come as absolutely no surprise that he and the Bolingbrook Police department are strongly against these type of establishments. He expressed the following concerns:

- Anticipated negative impact on public safety.
- Numerous problems that Colorado Law Enforcement has experienced since the legalization of marijuana in 2012, especially Denver where marijuana is a cash based business.
- Illinois is the second most populous state next to California to allow recreational cannabis starting January 1st, 2020 so all states with legal recreational cannabis are experiencing similar social issues.
- Denver has seen higher rates of burglaries to marijuana dispensaries in comparison to other businesses. Criminals have been targeting dispensaries and their clients, as they know they have large amounts of cash. Even legal couriers have been targeted for cash. Since these are cash businesses and there is not a paper trail, this hampers police investigations. It makes it easier to launder money and blur the lines between legal and illegal sales.
- While crime stats have gone down for possession of cannabis in those states, statistics continue to rise in property crimes such as burglary and theft and in personal crimes such as identity theft, robbery and assault. Denver also reports an increase in homelessness of adults and juveniles due to the availability of marijuana.
- Home hash oil labs create a threat of explosion and fire.
- Users may continue to continue to eat more edibles (candies, cookies, brownies and gummies) eventually reaching a toxic level of THC in the body. Police in Colorado have seen an increase in psychoactive episodes resulting in hospitalizations, suicides and even homicides.
- The marijuana THC level in plants of the sixties, seventies, and eighties was in the three to eight percent range with the quality marijuana was around 10 percent. The marijuana today starts around 10 percent and can top out at 35 to 38 percent. The THC in the today's marijuana is highly psychoactive and addictive and it is not the harmless ditch weed of yesterday.

- The larger issue of concern is operating motor vehicles while impaired under marijuana. There are no validated roadside test that is accepted for cannabis impairment. For alcohol, we have a standardized field sobriety test.
- Breathalyzer: There is no PBT (portable breath test), that you can blow into that will tell us what the THC level is for the driver. The only test currently accepted and available is a blood or body fluid draw. These are highly invasive and require medical personnel to administer. The test is costly, approximately \$150 to \$200, and can take four to six weeks to get the results back from a private lab.

Ken Teppel stressed that they believe that there is no reason to bring the aforementioned issues associated with the usage and the ease of access of that product to the Village of Bolingbrook.

Mayor Claar asked Attorney Burt Odelson, to share his thoughts on this subject. Burt Odelson shared that Kelly Burke is a lawyer with their firm and an Illinois State Representative. She is the majority leader. The legislature is working on a trailer bill, which will trail onto the current legislation to clean up some of the discrepancies with the implementation of this new law. Springfield rushed to get this bill passed and clearly not enough time was spent on the law enforcement side. The law enforcement people that he spoke to, including the representative, fear that they are going to have great problems enforcing driving while under the influence.

The following residents shared their views regarding allowing cannabis business establishments in Bolingbrook.

- Norman Brown, long-time resident, asked about the dispensary in Romeoville. The Mayor shared that the dispensary is medical and recreational. Norm also shared his views regarding the revenue stream from having these types of establishments.
- Otis Gatlin, 14-year resident, indicated that Bolingbrook should be in the forefront for having a safe, legal and regulated cannabis industry in the Village.
- Joe Giamanco expressed appreciation to the Mayor for changing the order of the agenda to allow public comments prior to voting on agenda items, discussed attorney fees, expressed the issue regarding cannabis business establishments and indicated that the Board should allow them.
- Kyle Jefferson, a 10-year Bolingbrook resident shared Ken Teppel's concern of people driving while impaired. He stated that it is bad for our kids, bad for our community and we just do not need it.
- Ryan Lawrence shared that we have such a great community, a place where kids are able to grow and feel supported and safe. Allowing cannabis business establishments in Bolingbrook would not be a good decision for kids as they are impressionable. For that reason, I am not in favor of supporting approval of this type of business.
- Jackie Randle stressed that she is not in favor of passage to allow cannabis businesses in Bolingbrook. She added that this would be bad for our community.

Village Attorney Jim Boan shared a point of clarification with Joe Giamanco regarding his comments at the August 13th Board meeting regarding the minutes on page 10. This has nothing to do with legal fees of the Village. The only legal fees mentioned are legal fees that came from other communities off their websites. The minutes will stand as approved. The figures had nothing to do with your statement of any legal fees incurred in the Village of Bolingbrook.

Trustee Basta

Thanked the members of the community that came up and discussed their views on this topic. She echoed the comment of Ryan Lawrence. This is about the youth in our community. Money should not be the main concern when it comes to the future of our youth. We should not approve something or say it is okay for adults to consume something that is hazardous to their health because it gives a contradictory example. Again, this subject can be revisited at a later date as it is not engraved in stone.

Trustee Jaskiewicz

Indicated that there are many sides to the issue both pro and con, appreciated Ken Teppel's summary of law enforcement's view, shared that he believed the Village is making a mistake not having a public hearing prior to the Board making a decision.

If it illegal to have cannabis in the Village Bolingbrook, and Romeoville passes a law, which makes it legal, how will our Police Department enforce this issue when Bolingbrook residences cross back into Bolingbrook with cannabis?

Mayor Claar

Explained to Trustee Jaskiewicz that he didn't understand what the issue is in front of the Board. It is not to restrict the use of cannabis. It just means that there will be no retail stores in Bolingbrook selling it.

Trustee Lawler

As Director Teppel pointed out, it is still early in the game, as Springfield tries to clean up what they did and as we strive to be more concerned about community safety. Addressed revenue loss and shared that it is actually more expensive to try to manage having these types of businesses in town from a law enforcement perspective. We don't need to be the leader in testing out what this impact has in our community and there is still a lot to be learned in that regard.

Trustee Watts

Thanked the individuals that took time to express their views. Shared that as Trustees we do what is best for the greater good of the community. Shared that hosting this type of business in our town is not a good idea and the financial gain is not as important as it relates to what is best for the youth of Bolingbrook, stressed that a top priority is to preserve our amazing family and community atmosphere.

Trustee Carpanzano

Encouraged residents to reach out to the Trustees on any and all topics. Shared that their contact information is on the Village website and it is important that individuals know that Board members are accessible. He hoped that when the next important topic that comes before the Board, maybe it's homeless youth or maybe it's hunger, that we can get as much excitement around that topic as we did about cannabis business establishments here in Bolingbrook.

PRESENTATIONS: None

BILL APPROVAL:

Motion Watts, second Jaskiewicz to approve expenditures submitted as Bill Listing A - Payables in the amount of \$1,541,182.43 and Bill Listing B - Pre-Paid in the amount of \$189,106.17 totaling \$1,730,288.60. (Copies were made available in the Finance Department and the Village Clerk's Office.)

ROLL CALL: Yea 6 Zarate, Lawler, Basta, Watts, Carpanzano, Jaskiewicz
 Nay 0 None
 Absent 0 None

Motion carried.

TAX RECEIPTS: None

MOTIONS:

MOTION APPROVING LOW BID FROM DENLER, INC. FOR 2019 FIBERIZED CRACKFILLING PROGRAM (VARIOUS STREETS) IN THE AMOUNT OF \$216,700.00

Motion Basta, second Lawler to accept a motion approving a low bid from Denler Inc. for 2019 Fiberized Crack filling program (various streets), in the amount of \$216,700.00.

This motion accepts the low bid for the 2019 road "crackfilling" program. Two bid packets were sent out and two bids were returned. The low bid was from Denler, Inc. in the amount of \$216,700.00. "Crackfilling" is part of the annual street maintenance program. The bid is \$33,300.00 under the budgeted amount of \$250,000.00.

ROLL CALL: Yea 6 Zarate, Lawler, Basta, Watts, Carpanzano, Jaskiewicz
 Nay 0 None
 Absent 0 None

Motion carried.

RESOLUTIONS:

RESOLUTION 19R-042

APPROVING THE PURCHASE OF VEHICLE FROM ADVANTAGE CHEVROLET FOR USE IN THE POLICE DEPARTMENT

Motion Carpanzano, second Watts to adopt a resolution approving the purchase of a vehicle from Advantage Chevrolet for use in the Police Department.

This Resolution authorizes the Purchase of a new 2019 vehicle from Advantage Chevrolet. The vehicle will be used by the Police Department. Five quotes were obtained and Advantage was the lowest quote. The purchase price is \$21,884.81 which includes a credit of \$9,000.00 for vehicles being traded-in. The budgeted amount was \$35,000.00. The purchase is being made with federal drug forfeiture funds. The Public Safety Committee has reviewed and recommends approval.

ROLL CALL: Yea 6 Zarate, Lawler, Basta, Watts, Carpanzano, Jaskiewicz
 Nay 0 None
 Absent 0 None

Motion carried.

ORDINANCES:

ORDINANCE 19-062

AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF BOLINGBROOK BY THE ADDITION OF CHAPTER 22 ARTICLE 3-106 PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS

Motion Lawler, second Watts to pass an ordinance amending the Municipal Code of the Village of Bolingbrook by the addition of Chapter 22 Article 3-106 prohibiting Cannabis Business Establishments.

Public Act 101-0027 was passed by the legislature and signed by the Governor on June 25, 2019. The Act legalizes the possession and private use of cannabis for Illinois residents over the age of 21. The Act is effective January 1, 2020. While municipalities cannot regulate or restrict the private consumption of cannabis after the effective date; municipalities may adopt and enforce local ordinances (through their zoning authority) to prohibit (opt out) the location of cannabis selling and production businesses. Municipalities may also establish and impose civil penalties for the violation of local ordinances. This Ordinance Amends Chapter 29 of the Municipal Code by adding Article 3-106 prohibiting cannabis business establishments from locating within the Village.

ROLL CALL: Yea 5 Zarate, Lawler, Basta, Watts, Carpanzano
 Nay 1 Jaskiewicz
 Absent 0 None

Motion carried.

ORDINANCE 19-063

PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$25,300,000.00 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2019A OF THE VILLAGE OF BOLINGBROOK, WILL AND DUPAGE COUNTIES, ILLINOIS, AND PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS

Motion Jaskiewicz, second Lawler to pass an ordinance providing for the issuance of not to exceed \$25,300,000.00 general obligation refunding bonds, series 2019A of the Village of Bolingbrook Will and DuPage Counties, Illinois, and providing for the Levy and collection of a direct annual tax for the payment of the principal of and interest on said bonds.

This Ordinance authorizes the sale of up to \$25,300,000.00 in General Obligation Bonds. These bonds will refinance the general obligation bonds issued in 2010. There is no "new" money, capital projects or additional debt being incurred or included. The refinance is based on the current lower interest rates. The final maturity date for the bonds remains 2035. So the debt is not being extended. The present value savings to the Village based on current interest rates would be \$2,469,211.

ROLL CALL: Yea 6 Zarate, Lawler, Basta, Watts, Carpanzano, Jaskiewicz
 Nay 0 None
 Absent 0 None

Motion carried.

QUESTIONS FROM AUDIENCE/PRESS: None

Chewey Cerna spoke about his daughter and what is best for her. For that reason, he was surprised and glad that the five members on the board did not vote for the revenue, but were more interested in the safety of the community. His friend that attended the meeting with him shared that you don't want to have another Chicago here in Bolingbrook. He added that Trustee Jaskiewicz should get on the same train as the other Trustees and do what is best for the community.

Dorothy Andrews, a member of the Bolingbrook Park District Board and an employee of the Valley View School District, mentioned that daily she sees that this community is a positive environment for children. She moved from Chicago to Bolingbrook to establish a different type of lifestyle for her children. She doesn't care about the money, but wants to keep Bolingbrook the great place that it is. She is not for these types of establishments in Bolingbrook because young people should not get the impression that they are getting that it is okay for adults to do it.

TRUSTEE COMMENTS AND REPORTS: None

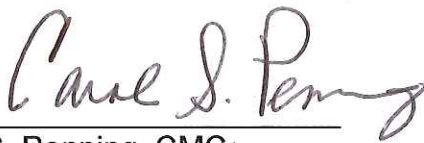
EXECUTIVE SESSION: None

ADJOURNMENT:

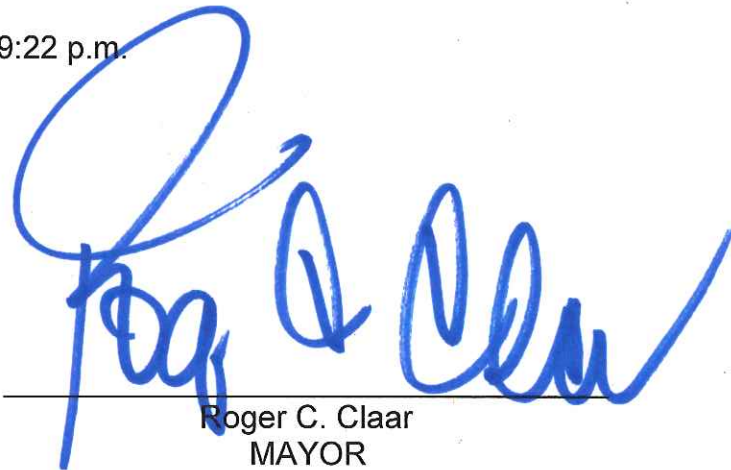
Motion Lawler, second Basta to adjourn the meeting.

Voice vote. Motion carried and meeting adjourned at 9:22 p.m.

ATTEST:



Carol S. Penning, CMC
VILLAGE CLERK



Roger C. Claar
MAYOR