

Members Present

Mr. Tripp, Mr. James, Mr. Whitis, Mr. Howard, Mr. Liehr, Mr. Olthoff, Mr. Washington, Mr. Einfeldt, Mr. Wheeler, Mr. Vickery, and Ms. Polk

Members Absent

Mr. LaGesse and Mr. Tholen

In Attendance

- **Board Members**

Mr. Bossert

- **Department Heads**

Jamie Boyd, Kevin Duval, and Brian Gadbois

- **Media**

1. Call to Order/Roll Call

The meeting was called to order by the Chairman, Mr. Olthoff at 9:10a.m. Quorum present.

2. Public Comment

3. Approval of Minutes – July 22, 2014

**A motion to approve the minutes was made by Mr. James and seconded by Mr. Washington.
Motion carried with a voice vote.**

4. Zoning

- **ZBA Case#14-09; request for a Rezoning A1-Agricultural District to RE-Rural Estates District and a Variance to Section 121-286.c.1 (Driveway) on a parcel generally situated in Section 36 of Salina Township. The petitioners are William C. Barney & Mary P. Barney, property owners and applicants.**

Mr. Skimerhorn stated that the applicants and owners, William and Mary Barney, are requesting a rezoning from A1-Agriculture to RE-Rural Estate on a 2.34 acre parcel located in Section 36 of Salina Township. The parcel is being divided from a 20.42 acre farm and its address is 482 N 7000 W. Road. If approved, the remaining acreage will be retained by the owners for farming purposes. In addition to rezoning, the Barney's are requesting a variance to allow an additional driveway within the 330' space for access to the farm parcel. The Zoning Board of Appeals approved the rezoning and variance with a vote of 7 ayes and 0 opposed.

Mr. Vickery made a motion to approve and Mr. Tripp seconded it.

Discussion

Mr. Olthoff asked if the Highway Department had any issues with this.

Mr. Skimerhorn stated that they did not.

Mr. Olthoff asked if they were selling the house and two acres.

Mr. Skimerhorn stated that they are.

Mr. James asked how much land would be left.

Mr. Skimerhorn stated that 18 acres would be left for farming.

Mr. Bossert asked if they could sell the house, keep the farmland, and then build a house on the remaining land.

Mr. Skimerhorn stated that they could not build a residence but they could build an agricultural building.

Mr. James stated that he is against it.

Mr. Olthoff asked what the sections are like on either side of this parcel.

Mr. Skimerhorn state that they are small residential parcels.

Original motion carried with a voice vote. Mr. James opposed.

- **ZBA Case#14-10; request for a Special Use Permit #121-208.b.13 (Medical Cannabis Cultivation Facility) in the I2-General Industrial District on a parcels generally situated in Section 13 of Pilot Township. The petitioners are Roland Edward Rosenboom Living Trust, property owner and Grand Prairie Farms, LLC, applicant.**

Mr. Skimerhorn stated that Grand Prairie Farms, LLC is requesting a special use permit to establish a medical cannabis cultivation center on a parcel at 2486 S 8000 W Road in Pilot Township. It is the northern part of the former Pilot Battery Factory. The parcel is 8.37 acres and is zoned I-2 General Industrial and has been since 2010. They will be demolishing a building to allow for greater distance for security. They will be providing a 12' barbed wire fence around the facility. The Zoning Board of Appeals placed three conditions on the special use permit and voted 7 to 0 to approve with the following conditions:

1. Obtain and maintain all necessary state and local permits and licenses.
2. Provide security in compliance with state regulations.
3. Install a security fence around an ample area that includes all production areas.

There were no objectors at the meeting.

Mr. Vickery made a motion to approve and Mr. Howard seconded it.

Discussion

Mr. Tripp stated that he is against it because of all the issues surrounding it. A fortress has to be set up to secure it.

Mr. Howard asked if there has been an environmental study done on this.

Mr. Van Mill stated that in 2010 when they did the rezoning he believes that there was done. He would have to go back and look at the details of it.

Mr. Washington stated that it is his understanding that if this production comes to pass everything is going to be done inside the building, nothing outside.

Mr. Skimerhorn stated that that is correct, other than some composting outside of the building.

Mr. Olthoff asked about the composting.

Mr. Skimerhorn stated that hey testified that they would have a separate fence in an area right behind the building for the composting of the very minimal amount of waste that they produce.

Mr. Olthoff asked how long the composting process takes and would they use the compost product in their facility.

Mr. Skimerhorn stated that they did mention how long it would take but he does not remember the time frame.

Mr. Vickery asked if there is going to be other applications.

Mr. Skimerhorn stated that he has none.

Mr. Van Mill stated that there would not be. This is the only one in the unincorporated area.

Mr. Wheeler stated that ZBA approved this 7 to 0 and it met the criteria. The State of Illinois has said that these facilities are going to be legal and highly regulated. He does not have any problem with it. He looks at this no different than CSL Behring. He does not see any reason why this committee should not approve. The State picks one for this jurisdiction so there is not going to be any more than that.

Mr. Olthoff asked if there are also facilities within municipalities that are applying.

Mr. Van Mill stated that it is his understanding that there is one in the City of Kankakee and one in Manteno.

Mr. James asked what the time frame is in which they select this. Does the first one in get priority? He agrees with Mr. Wheeler but he does not think that that is the best location for a facility like that. He thinks that an industrial park would be better. He sees it as a remote site that could be a problem down the road.

Mr. Einfeldt stated that he understands that the 24-hour security is the burden of the people running the facility. Aside from the "sticky nature" of marijuana growing, what they are doing is much the same as what is taking place on Spear Road just north of Route 17 at the greenhouse there. If it is going to create jobs, we need to think about creating every job that we can find.

Mr. Olthoff asked if this project will be used to make product that is smoked or put into food.

Mr. Skimerhorn stated that it could be both.

Mr. Bossert asked if it would be appropriate to have the applicant answer some of these types of questions.

The committee's consensus was that it would be appropriate.

Dave Silverman, the attorney who represents the applicants, introduced Jason Walsh who is one of the owners of the company who seeks the committee's approval for the cultivation center. They will answer any questions that the committee may have. He would like to keep our eye on the real issue and that is whether this is an inappropriate location for this facility. This county board has approved this as a special use in an I-2 district and that is the district that they are in. The ZBA went through all the factors and found it was in fact appropriate and they would ask this group to join in that consideration.

Mr. Olthoff asked them to speak to the process of growing it, processing it, and what happens to it after that.

Mr. Walsh stated that they chose this location specifically because they need a lot of power and it was kind of out in the middle of nowhere. It is a cultivation or wholesale facility and no patients come to it. Their transportation vehicles are just standard SUV's. It is all grown in-doors. The public will never smell their product, never see their product, and the compost that they have in back will be in a container that they pay to have hauled away. A small amount sits out there for a 5-day process. They do not use dirt inside. They use a proprietary medium in order to be most efficient. The security is their responsibility 24-hours a day based on what the state police have required. A lot of the current neighbors are in favor of it because they understand what the product can do for medical purposes. They picked that spot because it was big enough, had plenty of power and water, and it was not going to disrupt anybody else. They looked at many sites and this one just seemed to make sense.

Mr. Wheeler asked what types of jobs are potentially going to be created there and what pay scales.

Mr. Walsh stated that there will be no part-time employees, other than some retired state police officers for transportation. It will be all full-time jobs with living wages, health insurance, and retirement plans. Initially, there will probably be 12 to 15 jobs and as the facility grows they will hire more people.

Mr. Wheeler asked if the state mandates background checks.

Mr. Walsh stated that they do. He is also trying to reach out to community colleges in the area to try to come up with a training program so that people can get into this industry.

Mr. Olthoff asked if it was an interstate market or an intrastate market.

Mr. Walsh stated that they can only grow in Illinois and only sell in Illinois. There will be one facility in this district. The question is where in the district. They, as a good neighbor, are providing a community benefits plan to infuse capital and funding into the county for needs of the county. They will also participate in providing free medicine to those who cannot afford it. He has hundreds of examples of people and ailments that benefit from this product - cancer patients; epilepsy; seizures; appetite problems; pain; ALS patients, etc. This is their lifesaver so for every few problems there is a tremendous amount of benefits from the product.

Mr. Olthoff asked if there is a process where this would not be put into pill form.

Mr. Walsh stated that there is. In this industry, there are a lot of people who put it into food but they as a group are adamantly opposed to it. They think that the Food and Drug Administration have kept food and drugs separate for a reason. They believe in a low-dose pill so they put the product in a pill and if your doctor prescribes it to you then you take the number of pills that he prescribes for you. There have been no documented cases of overdoses with marijuana. There are various ways through oil and low-dose pills that people can take it to get the product without smoking it. A person needs a 12-month relationship with their physician before they can even get a prescription and a prescription is required to obtain the marijuana.

Mr. Tripp stated that Mr. Walsh mentioned earlier that the pluses offset the problems. What would some of those problems be?

Mr. Walsh stated that there are problems with people getting it illegally.

Mr. Wheeler asked who was next door to them.

Mr. Walsh stated that Mitchell Fabrication is next door and he has sat with them and they are in favor of it. They are there to improve the neighborhood and give back to the neighborhood. It is not going to have a negative effect. He would not have gone there if the neighbors were against it.

Mr. Olthoff asked what his experience has been in this field.

Mr. Walsh stated that his experience is in operations and consulting on business operations and efficiencies. He is a Frankfort resident with family ties to Kankakee. His partner, Brian, is a commercial construction developer whose mom was diagnosed with cancer and discovered that marijuana gave her an appetite and a better quality of life so he asked Mr. Walsh if he could help in the operations of bringing this facility to market. One of their customers is a farming family whose son is an owner in Colorado so they visited the team in Colorado that was one of the first licenses in Colorado and has been in business for five years. They helped the IRS write the tax code and the legislators reach out to them on a regular basis to improve the system, the application, as well as the compliance and regulation on it. They are environmental engineers and know air and water quality. There was a Phase 1 study done back when this property transferred and it was cleared. The team in Colorado has had 185 inspections and 0 violations. They run it well and he would not have partnered with it if it did not run well.

Mr. Olthoff asked if there are problems in Colorado.

Mr. Walsh stated that crime is down 5 to 7 percent in Colorado since this has been approved. They will have no cash in the facility, only product. There are nine stages of plants in that facility and only the last stage has any value to it.

Mr. Howard stated that he is impressed with the presentation. What impact will it have on the water level?

Mr. Walsh stated that it is well water and it is sufficient for their facility. The state regulates pesticides and all the products that they put on their plants. When they recycle it continually, they recycle it because they want the nutrients that are in the water of that plant. When they finally discharge it, it is very healthy water that most farmers in the area would like to have. The septic system is more than sufficient to accept what they put back in the ground.

Mr. Howard asked who would pay for the security.

Mr. Walsh stated that all security on the premises is paid for by them. They will comply with the state requirements. They have video cameras in every inch of the facility and they do have armed security in the facility which will be very discreet. Any expense that the county bears for this facility he will reimburse them for. They want to be self-sufficient and good neighbors.

Mr. Walsh asked if his company will be an equal opportunity employer.

Mr. Walsh stated that it will. As part of their community plan they are obligated to hire disabled, minorities, and veterans. He has reached out to a couple of local gentlemen who are affiliated with veterans and have

told them that he has positions for people in wheelchairs and for people who may not interact so well with the public. They are an Illinois-based company and their ownership is all Illinois-based.

Mr. Washington stated that he thinks that what we are witnessing here is the beginning of de-vilification of a product that has been vilified and misused throughout the country. This is a product that can be used for good. In spite of what we might hold in our minds about how this has come to pass, he thinks that we need to look at it in a different light and carry on this process normally as we have carried on any other process. In his mind this is a beginning of a good program.

Mr. Wheeler asked what happens if this special use permit is granted and then the applicant is not chosen by the State of Illinois. Is it applied on the condition of the sale of the property?

Mr. Van Mill stated that any special use that does not operate within 12 months ceases to have the special use.

Mr. Walsh stated that they are obligated to be up and running in six months.

Mr. Olthoff stated that the product that they will be producing will not just be used for pill form.

Mr. Walsh stated that the primary use of the product nationwide is smoked. The state allows them to process food if they want to but that is not something that they believe in.

Mr. Bossert stated that in the statement of findings and facts it is stated that they are anticipating 10 people being hired. What is the anticipated level of compensation?

Mr. Walsh stated that they are still trying to investigate complete job descriptions. The best terminology he can use is "living wage". His CFP handles that final decision but these are jobs that are \$35,000 to \$45,000 a year with benefits and retirement plans. There would be overtime and pay increases which would increase those numbers.

Mr. Vickery stated that he has a tough time going against ZBA especially when it is unanimous. He is sure that it has been thoroughly discussed and he has no problem with this. He asked the question to be called.

Original motion carried with a voice vote. Opposed were Mr. Tripp, Mr. Olthoff, Mr. James, and Mr. Whitis.

5. Subdivision

• Frantz Subdivision, Final Plat & Variances

Mr. Skimerhorn stated that Franz Acres Subdivision is a four-lot residential subdivision on Chippewa Drive about a half mile outside the Village of Bourbonnais. The property is 1.72 acres in size and there is an existing home that will be on one of the lots. There will be three vacant lots available for sale. The subdivision is on municipal sewer and will have individual wells for each lot. It does have an annexation agreement with the Village of Bourbonnais. The average lot size is between 15,000 and 20,000 sq. ft. This has been thoroughly reviewed by the Village of Bourbonnais. They are asking for two variances along with this subdivision. One is for the county's requirement for parks and open space and the other is for storm water detention. The storm water on this property runs almost directly into the Kankakee River. This has gone out a 45-day review and they are asking that the preliminary plat and final plat be approved with the variances.

Mr. Liehr made a motion to approve and Mr. Howard seconded it.

Discussion

Mr. Liehr stated that this minor subdivision is in his district and it appears to be a logical site for what they are doing. He did call the Health Department to clarify some things that was not clear in terms of what they had in the packet. After that conversation, it seems like everything is in order and he supports it.

Mr. Washington asked where the nearest recreation area is to this subdivision.

Mr. Skimerhorn stated that it is in Turnberry Subdivision.

Original motion carried with a voice vote. Mr. Einfeldt abstained.

- **Minnie Monesse Estates, Unit 1 – Release of Letter of Credit**

Mr. Skimerhorn stated that Minnie Monesse's, First Edition, final plat was approved by the county board on October 13, 2009. Since that time they have completed all of the improvements that are required. It has been inspected and they are asking that the county board release their letter of credit in the amount of \$13,420.

Mr. Vickery made a motion to approve and Mr. Whitis seconded it. Motion carried with a voice vote.

6. Planning

- **CLG Grant Application – Authorize to Apply for Grant**

Ms. Sadler stated that the Historic Preservation Commission is asking for permission to apply for a CLG Grant because we are a certified local government. It will be for a historic preservation plan. The grant can be from anywhere from \$2000 to \$2500. It is a 70/30 match and the county's match would all be in kind services through the commission members and through staff.

Mr. Washington made a motion to approve and Mr. Liehr seconded it.

Discussion

Mr. Liehr stated that he knows that this group has been working very hard and he thinks that historic preservation has some value in terms of promoting some tourism. It also creates some value in terms of the character of the community because it is going to be attractive to people that are conscious of the value of historic preservation. He would be in favor of this.

Original motion carried with a voice vote.

7. Transportation

- **Motor Vehicle Lease Agreement**

Mr. Lammey stated that they have a number of vehicles that they provide rural transit service with. They are titled to Kankakee County. We sign the lease with SHOWBUS to operate those buses. The lease is in front of the committee today and he is asking that the committee authorize the chairman to sign the lease.

Mr. Tripp made a motion to approve and Mr. Einfeldt seconded it.

Discussion

Mr. Liehr stated that he noticed in the lease agreement that it says zero dollars but isn't it usually \$1.00.

Mr. Lammey stated that it will be changed to \$1.00 before it gets to county board.

Mr. Wheeler asked if the term of the lease is traditionally three years.

Mr. Lammey stated that it is but it also changes whenever there are some significant changes to the vehicle fleet. The state sets it for three years.

Mr. Vickery stated that is just the lease window that most of the financing goes through. They set leases up for usually three years.

Mr. Howard stated that at one of the meetings Mr. Lammey stated that the bus traveled through the entire community in Pembroke Township and gave a number of riders from that community but he did some checking in the community and the SHOWBUS may make a couple stops out there but it certainly does not go and pick up the people that he talked to in the community.

Mr. Lammey stated that every day they send a bus out to Pembroke Township to pick people up. They provide better service there than they do anywhere in the county. Out of the 40,000 total rides that they provide, he would guess that they provide 10,000 rides out in Pembroke.

Mr. Howard stated that when he questioned some of the people in the community they said that SHOWBUS seldom gets off of the main road.

Mr. Lammey stated that they go door-to-door all over Pembroke Township. They are on every road out there.

Mr. Bossert asked Mr. Lammey to explain the concept of rural transit. It is not fixed route; it is on-demand services.

Mr. Lammey stated that people call in 24-hours in advance for a ride and they go out and pick them up at their door. It is not like Metro Transit is here in town. They have an awful lot of ridership out in that area.

Mr. Wheeler asked if there is a yearly report that discusses specific ridership tallies for certain areas.

Mr. Lammey stated that they keep do keep track. They have given that info to the committee before.

Original motion carried with a roll call vote of 11 ayes and 1 nay. Voting aye were Mr. Tripp, Mr. James, Mr. Whitis, Mr. Bossert, Mr. Liehr, Mr. Olthoff, Mr. Washington, Mr. Einfeldt, Mr. Wheeler, Mr. Vickery, and Ms. Polk. Voting nay was Mr. Howard.

8. Other Business

- **Landfill Consultant Discussion – (Non-Action Item)**

Mr. Whitis stated that he wanted an update and wanted to know what the process was. The last time that they spoke they were told that they may have something.

Mr. Bossert stated that discussions continue with the consultants and they hope to have more information shortly.

Mr. Wheeler stated that they were all on board at the time to go down this road. It has been around 16 months since they agreed to that and the bill is getting pretty steep. He thinks it is causing us a lot of trouble in the community. His opinion is that the relationship with the landfill consultants should be ended. He believes that we have to address our solid waste in a progressive manner in this county and he is not saying that it be put off to the side.

9. Old Business

Mr. Wheeler stated that at the next meeting he wanted to bring up, as an agenda item, the amendment to the solid waste ordinance where stipulations about the bins were put in. He thinks it is a good ordinance and the intention of it is very progressive in things that they should look at but he thinks there are a couple things to think about. There is nothing in the ordinance that says who collects the data and if there is any fines and he thinks that could be added to the ordinance. Also, maybe it should be put in the ordinance that not-for-profit fee waiving is up to the discretion of the board or PZA. The liability insurance required is \$1 million. He would love to get the opinion of the not-for-profits by actually inviting them to come to the next PZA Meeting. He thinks 99% of the ordinance is good but some little tweaks could make it a better ordinance.

Mr. Bossert stated that he does not understand the concern of the non-profits. Are they suggesting that this is an unfair situation? The ordinance merely requires labeling and identification of bins. Requiring them to have liability insurance he does not think is unreasonable. What is their issue?

Mr. Wheeler stated that they took great issue in the newspaper that a lot of their revenue stream is being diverted into for-profit companies. He doesn't see any harm from inviting them to a review of the ordinance.

Mr. James stated that he thinks that it is worthwhile effort.

Mr. Olthoff stated that it can be put on next month's agenda.

10. Adjournment

A motion to adjourn the meeting at 10:00 a.m. was made by Mr. Washington and seconded by Mr. James. Motion carried.

Bill Olthoff, Chairman
Joanne Langlois, Executive Coordinator