Call to Order

The City Council of the City of McHenry, Illinois, met in a special session on Monday, October 28, 2019, at 7:00 p.m. in the McHenry City Council Chambers, 333 S. Green Street, McHenry, IL.

Roll Call


Pledge of Allegiance

Mayor Jett led those present in the Pledge of Allegiance.

Public Comment

There were no comments from the public in attendance.

Motion to approve or deny a Conditional Use Permit for the construction and operation of a medicinal cannabis dispensary at 408 S Illinois Route 31

Doug Martin read details from the Agenda Supplement. He touched on the background of the application, zoning regulations, police reports regarding crashes and service calls, and the Planning and Zoning Commission recommendation for approval. He also pointed out that staff recommends the denial of the application due to safety concerns.

Mitch Zaveduk from Crystal Clear Compassionate Care took the podium to answer questions from the Council and City Attorney McArdle. It was explained that an application for this location has been submitted to the State for medicinal purposes. There is no way to tell a time frame for hearing back from the State. He has also applied for multiple recreational licenses in the area.

There are 1470 people in McHenry County with medical marijuana cards and another 3652 in Lake County. There was a lengthy discussion regarding the number of possible patrons, the number of parking spaces, and the amount of traffic at the proposed location. Rosemary Swierk
was present from RJ Properties, and explained the installation of speed bumps and also addressed traffic concerns.

Alderwoman Miller shared her research on medicinal dispensaries and discussed with Mr. Zaveduk the anticipated number of people that may be coming to his store and the length of their stay. It was Alderman Glab's belief that these dispensaries should be located near medical districts and not on a main strip in town. An audit of parking spaces and security were also discussed at length. Mayor Jett asked if anybody from the public wanted to comment on the topic, and Scott Curry spoke to his belief that the Council should follow the Police Department recommendations about safety and that this business belongs in a medical area.

A motion was made by Alderwoman Baehne and seconded by Alderwoman Miller to approve a Conditional Use Permit for the construction and operation of a medicinal cannabis dispensary at 408 S Illinois Route 31 subject to the conditions outlined by the Planning and Zoning Commission's recommendation. Roll call: Vote: 5-ayes: Alderwoman Baehne, Alderwoman Miller, Alderman Scahefer, Alderman Mihevc, Alderman Devine. 2-nays: Alderman Santi, Alderman Glab. 0-abstained. Motion carried.

Motion to grant the RISE Up Foundation 1) use of Petersen park to setup, host, and cleanup for the Splash Pad benefit concert from Friday, June 19, through Saturday, June 20, 2) special event liquor license for the sale of beer, wine, and malt liquor with drink ticket sales to cease 30-minutes prior to park closure, 3) a 50% reduction of the charges for city services incurred as a result of this event.

Director Hobson reviewed the Agenda Supplement regarding the benefit concert. He explained that the event is expected to be larger than most events at Petersen Park but not larger than the Tesla concert that brought in 8,500 people. The organizers of the event have made solid plans and reviewed them with the Police and Parks Departments. The RISE Foundation is a new 501(c)(3) non-profit, and the proceeds are to be given back to the City for the construction of a splash pad.

Attorney McArdle explained that the Mayor's involvement with the foundation would not have a conflict of interest because there will be no contract made with the City. All proceeds and financial records from the non-profit foundation would be open for review to ensure open and honest dealings.

Alderman Schaefer expressed concern that there will be businesses becoming sponsors and donating to the cause that will later come to the Council for business with the City. There could be a perception issue that businesses are getting deals due to their sponsorship, and Alderman Schaefer wants to make sure that the public knows that everything is being done properly. Mr. Jett ensured the Council that all of the financial information, including business sponsors and donations, would be open to the public. Mr. Jett already has requirements to submit paperwork for the non-for-profit status, and is willing to submit those financial statements to the Council as
well. This will ensure transparency so that the Council and the public know what businesses have donated.

Alderman Glab had an issue with the proposed location of the splash pad. He believes there is a safety issue and that there is not enough parking to accommodate the existing park and a new splash pad. Director Hobson agreed that safety is a concern, and that the location of this splash pad is merely a proposed location. The final location is open to discussion and could be placed in a different park in the City.

A discussion ensued regarding the fees that would be charged to the organization for City services. Alderwomen Baehne and Miller would like to waive the fees as the proceeds of the event would be coming back to the City. Other events are charged fees, and while they do benefit the City, the City is not directly receiving proceeds from those events. Alderman Glab spoke against waiving the fees, and Alderman Santi thought it would be a good idea to charge fees for the first year and see how the fundraiser turns out. It was also stated that the City could initially vote to charge 50% of the fees and then later waive them if they had a change of heart.

A motion was made by Alderman Santi and seconded by Alderman Schaefer to grant the RISE Up Foundation 1) use of Petersen park to setup, host, and cleanup for the Splash Pad benefit concert from Friday, June 19, through Saturday, June 20, 2) special event liquor license for the sale of beer, wine, and malt liquor with drink ticket sales to cease 30-minutes prior to park closure, 3) a 50% reduction of the charges for city services incurred as a result of this event. Roll call: Vote: 7-ayes: Alderman Santi, Alderman Schaefer, Alderwoman Miller, Alderman Devine, Alderman Mihevc, Alderwoman Baehne, Alderman Glab. 0-nays, 0-abstained. Motion carried.

**Alderman Glab Comment**

Alderman Glab stated that developers are still putting signs around town without a proper permit or variance. He asked Director Polerecky if he intended to fine the developers, and Director Polerecky said he would not. Alderman Glab pointed out to the members of the Council that a staff member is not following the City ordinances and refuses to fine people after being notified of a violation.

**Adjournment**

A motion was made by Alderman Glab and seconded by Alderman Santi to adjourn the meeting at 9:03 p.m. Roll call: Vote: 7-ayes: Alderman Glab, Alderman Santi, Alderman Schaefer, Alderwoman Baehne, Alderman Mihevc, Alderman Devine, Alderwoman Miller. 0-nays, 0-abstained. Motion carried.