

CITY OF OLNEY  
PLAN COMMISSION  
DECEMBER 2, 2019

AGENDA #1 “CALL TO ORDER” The meeting of the Plan Commission was called to order at 7:30 p.m. in the Council Chambers of the Olney City Hall, 300 S. Whittle Avenue, Olney, Illinois, with Vice Chair Steve Eichhorst presiding.

AGENDA #2 “ROLL CALL” The following Plan Commission members were present: Barb Roberts, David Abell, Vicki Lobacz, Scott Jones, Elliot Brazil, Steve Eichhorst, and Pat Everette. Wesley Tolliver was absent. Also present were City Manager Allen Barker, Code Enforcement Officer Dallas Colwell, City Attorney Bart Zuber, Mayor Mark Lambird, Councilwoman Belinda Henton, Councilman Greg Eyer, and City Clerk Kelsie Sterchi.

AGENDA #3 “ELECTION OF A CHAIR” Mrs. Sterchi reminded the Plan Commission that Mr. Abell had expressed interest in being elected as the Chair. Mr. Eichhorst opened the floor for nominations.

Mr. Everette moved to nominate Mr. Abell as Chair, seconded by Mrs. Roberts.

Mr. Eichhorst told the Plan Commission that he was also interested in being elected as the Chair.

Mrs. Lobacz moved to nominate Mr. Eichhorst as Chair, seconded by Mr. Jones.

There were no other nominations. Mr. Eichhorst closed the floor for nominations.

Regarding the nomination of Mr. Abell, Mr. Abell and Mr. Everette voted yes. Mrs. Lobacz, Mr. Jones, and Mr. Eichhorst voted no. Mrs. Roberts and Mr. Brazil abstained. The motion failed.

Regarding the nomination of Mr. Eichhorst, Mrs. Roberts, Mrs. Lobacz, Mr. Jones, and Mr. Eichhorst voted yes. Mr. Abell and Mr. Everette voted no. Mr. Brazil abstained. The motion passed.

AGENDA #4 “POSSIBLE ACTION: ELECTION OF VICE CHAIR” Mr. Eichhorst had been serving as the Vice Chair of the Plan Commission. Since he was elected into the Chair position, a new Vice Chair would need to be elected. Mr. Eichhorst opened the floor for nominations.

Mrs. Lobacz moved to nominate Mr. Abell as Vice Chair, seconded by Mr. Brazil.

There were no other nominations. Mr. Eichhorst closed the floor for nominations.

Mrs. Roberts, Mrs. Lobacz, Mr. Jones, Mr. Brazil, Mr. Eichhorst, and Mr. Everette voted yes. Mr. Abell voted no. The motion carried.

AGENDA #5 “APPROVE MINUTES OF THE PLAN COMMISSION MEETING ON JANUARY 7, 2019” Mrs. Lobacz moved to approve the minutes of the Plan Commission meeting on January 7, 2019, seconded by Mrs. Roberts. Mrs. Roberts, Mr. Abell, Mrs. Lobacz, Mr. Jones, Mr. Brazil, Mr. Eichhorst, and Mr. Everette voted yes. There were no opposing votes. The motion carried.

AGENDA #6 “SWEARING IN” Mr. Eichhorst asked that anyone wishing to testify on behalf of the items being discussed to stand and be sworn in. City Clerk Sterchi asked those standing to raise their right hand and “swear to tell the truth, the whole truth and nothing but the truth so help me God.” Mayor Lambird, Councilman Eyer, and Kelly Eyer were sworn in.

For the record, even though there were three members of the City Council present, only two would be permitted to speak at this evening’s meeting.

AGENDA #7 “AMENDMENTS TO MULTIPLE CHAPTERS OF TITLE 17 (ZONING) OF THE CITY OF OLNEY MUNICIPAL CODE FOR PROVISIONS RELATED TO THE PERMIT OF ADULT USE CANNABIS ESTABLISHMENTS IN ACCORDANCE WITH THE CANNABIS REGULATION AND TAX ACT” For consideration, the Plan Commission was presented with proposed ordinance, as drafted by City Attorney Zuber, that would amend Chapters 17.08, 17.44, and 17.56 of Title 17 (Zoning) of the City of Olney Municipal Code pertaining to adult-use cannabis.

The State of Illinois had enacted the Cannabis Regulation and Tax Act, which pertained to the possession, use, cultivation, transportation, and dispensing of adult-use cannabis. This act became effective on June 25, 2019. The Plan Commission needed to hold a public hearing in order to consider reasonable zoning ordinances or resolutions that would regulate adult-use cannabis business establishments, including rules that would adopt the time, place, manner and number of adult-use cannabis business establishments, and minimum distance limitations between adult-use cannabis business establishments and locations that the City of Olney would deem sensitive.

The proposed ordinance included definitions of each adult-use cannabis business establishment, and proposed several restrictions on placements of such.

Mr. Eichhorst asked if any members of the Commission had comments or questions. Mrs. Roberts noted that she would not be in favor of recreational use of any drug, but that was not the issue at hand at this evening’s meeting. The State of Illinois had passed legislation that would allow for appropriate adult use throughout the state as of January 1, 2020. Instead, she pointed out that the Commission would need to make a recommendation on protections to put in place for the people of Olney.

Mr. Eichhorst understood that the City Council had approved an ordinance authorizing recreational cannabis facilities. Mayor Lambird replied that was not the case. Rather, the City Council approved a 3% taxation on any adult-use cannabis sales. Nothing else regarding adult-use cannabis could be approved until proper zoning was in place.

Mayor Lambird told the Commission that Effingham had passed a proper zoning ordinance for adult-use cannabis business establishments, and he believed Grayville had as well. To his knowledge, Charleston and several others were not allowing zoning amendments to accommodate adult-use cannabis business establishments.

Mr. Eichhorst wondered if an adult-use cannabis business establishment would automatically receive a medicinal cannabis license. Mr. Zuber replied that they were two separate types of licenses. The difference between the two types of licenses would come down to taxation, but Mr. Zuber felt that over time they may evolve into the same type of license.

From the audience, Mrs. Eyer requested that the Commission recommend no amendments to accommodate adult-use cannabis business establishments. Mrs. Eyer worked in the medical field and was very concerned with what effect the use of marijuana could have on the body, and felt that it was a gateway drug. Additionally, she felt the allowance would be detrimental to the Olney community as a whole. She reminded the Commission that Olney was not a business, and that Olney was people.

Councilman Eyer agreed with Mrs. Eyer. The Councilman also had concerns about recreational use of cannabis and the operation of motor vehicles. While the State dictated that adult-use cannabis could be sold, he reminded the Commission that the City had the right to not allow the sale of it in Olney. He did not feel it was a good move for the community and, as a citizen, his personal opinion was that he did not want it sold. Councilman Eyer also urged the Commission to consider whether or not they would feel good in their conscious and morality to receive revenue from the sales of a drug that was harmful. He did not.

Mr. Eichhorst asked how Councilman Eyer had voted on the ordinance that levied a 3% tax on the sale of adult-use cannabis. Councilman Eyer replied that he had voted no, and planned to vote no on anything that had to do with cannabis.

Referencing the proposed ordinance, Mr. Eichhorst pointed out that the listed zoning restrictions were strict. Additionally, the State's statute was very strict in regards to all adult-use cannabis business establishments, and they would be strictly monitored by the State Police.

Mayor Lambird told the Commission that historically, prohibitions had not done a lot stop the "evils" they were prohibiting. He stated that the prohibition of alcohol in the 1920s actually created more criminals. As of January 1, 2020, adults would be able to buy cannabis in Illinois, and people would be using cannabis.

Concerning the morality issue, Mayor Lambird pointed out that there were many different things that could take away from God in the Christian religion. He wondered then if all-you-can-eat buffets, and all alcohol should be banned.

Mayor Lambird felt that the best option was to move forward in a responsible manner, and felt that appropriate zoning amendments would accomplish that. He requested that the Plan Commission vote in favor of the zoning amendments.

If put in place, Mrs. Roberts was not sure that a 3% tax on adult-use cannabis sales would equate to much additional revenue for the City. Mayor Lambird disagreed. He told the Commission that he had spoken to a few other communities. There was one in particular that was in Colorado, and was close to the same population and rural geography as Olney. That community was generating about \$3,000,000.00 in additional tax revenue. He then explained how Olney desperately needed additional revenue in order to see growth. He felt that Olney had been doing a great job of growing where many other communities had not.

According to Mrs. Lobacz's research, crime rates had actually decreased in areas that allowed for adult-use cannabis sales. She wondered if Mayor Lambird had found any places where crime had increased. Mayor Lambird had not.

Mr. Zuber pointed out that the proposed ordinance dictated that adult-use cannabis business establishments must not be located within 1,500 feet of the property line of schools, day care centers, day care homes, residential care homes, or churches. Adult use cannabis dispensing organizations also may not be located within 250 feet of the property line of a pre-existing property zoned or used for residential purposes. Past that, all other adult-use cannabis business establishments may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

Mr. Brazil pointed out that only one of the six types of adult-use cannabis business establishments would have the ability to sell to the citizens of Olney.

Mrs. Roberts wondered how many adult-use cannabis business establishment licenses would be available. Mr. Colwell replied that the BLS region that Olney was a part of would only have two available to start with. Mr. Yockey agreed. He added that Effingham would automatically be given a license since they had a medicinal marijuana facility. Two others would be available in addition to Effingham's license. Mr. Yockey felt that there would be additional rounds of licenses granted in the future.

Councilman Eyer felt that adult-use cannabis was only inevitable if Olney gave up its resolve to be a wholesome and healthy community. He was concerned with all of the restrictions regarding the adult-use cannabis industry. He believed that such restrictions should be a sign that cannabis was not healthy, wholesome, or suitable for consumption.

Councilman Eyer then told the Commission that he did not believe that the people who were already using cannabis illegally would be any more likely to make their purchases legally at a higher expense.

From the audience, Dr. David Eckiss stated that he felt it was difficult to legislate morality.

Mrs. Roberts noted that she also had concerns with second hand smoke in relation to adult cannabis users that would be smoking the product in front of others. Mayor Lambird agreed, but pointed out that the issue at hand was about sale, not use.

Mr. Zuber explained that the drafted ordinance was based off of the model ordinance provided by the Illinois Municipal League (IML). The Plan Commission and/or City Council could change proposed restrictions.

Mr. Jones moved to recommend passage of the proposed ordinance, as presented, that would amend Chapters 17.08, 17.44, and 17.56 of Title 17 (Zoning) of the City of Olney Municipal Code pertaining to adult-use cannabis, seconded by Mr. Everette.

To be clear, Mr. Abell asked if separate motions should be made, or a blanket vote. Mr. Eichhorst replied that the current motion on the floor was for a blanket vote on the ordinance as presented.

Councilman Eyer asked if adult-use cannabis zoning would be separate than current zoning categories. Mr. Eichhorst replied that it would not be separate, but the proposed ordinance extended provisions that would allow adult-use cannabis business establishments in commercial areas.

It was then clarified that even if a commercial zone was within 250 feet of a residence or residentially-zoned area, adult-use cannabis dispensing organizations would not be allowed.

Mr. Zuber detailed that zoning categories C-2 (Commercial District), C-3 (Central Business District), M-1 (Light Industrial District), and M-2 (Heavy Industrial District) were proposed for amendments that would allow certain categories of adult-use cannabis business establishments.

Mr. Abell, Mrs. Lobacz, Mr. Jones, Mr. Brazil, and Mr. Everette voted yes. Mrs. Roberts voted no. Mr. Eichhorst vote present. The motion passed.

The recommendation to pass the presented, proposed ordinance amending Chapters 17.08, 17.44, and 17.56 of Title 17 (Zoning) of the City of Olney Municipal Code pertaining to adult-use cannabis would be presented to the City Council at their December 9, 2019, meeting for final action.

AGENDA #8 “PUBLIC COMMENTS/PRESENTATIONS” No one from the public wished to speak.

AGENDA #9 “ADJOURN” Mr. Everette moved to adjourn, seconded by Mr. Jones. Mrs. Roberts, Mr. Abell, Mrs. Lobacz, Mr. Jones, Mr. Brazil, Mr. Eichhorst, and Mr. Everette voted yes. There were no opposing votes. The motion carried. The Plan Commission meeting adjourned at 8:11 p.m.

Kelsie J. Sterchi  
City Clerk