VILLAGE BOARD MEETING
November 25, 2019

Monday, November 25, 2019, at 7:00 p.m., Mayor Mike Serena called to order the regular meeting of the Gardner Village Board in the Village Hall Council Chambers. Roll call – Commissioners Erik Smith, Dick Hileman, and Mayor Mike Serena. Comm. Rob Wolf, Tim Hill were absent. Village Attorney Scott Belt was present and Village Engineer Casey McCollom arrived at 7:07 p.m. All stood for the Pledge of Allegiance.

The minutes of October 28, 2019 were presented. Comm. Hileman made motion to approve the minutes as printed, second by Smith. Roll call – Ayes: Comm. Smith, Hileman, Mayor Serena. Nays: None. Motion passed.

A list of current bills was presented. Comm. Hileman moved to approve the payment of the bills, second by Smith. Roll call – Ayes: Comm. Smith, Hileman, Mayor Serena. Nays: None. Motion passed.

The Treasurer's Report for the month of October was presented. Comm. Hileman made motion to approve the Treasurer's Report as printed, second by Smith. Roll call – Ayes: Comm. Smith, Hileman, Mayor Serena. Nays: None. Motion passed.

Public Comments –

No public comments were presented.

Agenda –

Comm. Hileman made motion to approve an ordinance for the levy and assessment of taxes for the 2020 fiscal year, second by Smith. This is the same ordinance that was approved the last few years. Roll call – Ayes: Comm. Smith, Hileman, Mayor Serena. Nays: None. Motion passed.

Comm. Hileman made a motion to once again offer free water and sewer to Village residents for the eleventh year in a row for the bill that is due on December 20, using $15,000 from gambling funds (currently about $25,000) and the remaining $8,000-10,000 from the general fund, second by Smith. Hileman estimated that, in the time this has been offered, the Village has given away somewhere in the vicinity of $300,000-$340,000 toward free water. Roll call – Ayes: Comm. Smith, Hileman, Mayor Serena. Nays: none. Motion carried.

Comm. Hileman made motion to approve funds for the holiday decoration contest in the amounts of $100 for first, $75 for second and $50 for third place, to be paid using gambling funds, second by Smith. Roll call – Ayes: Comm. Smith, Hileman, Mayor Serena. Nays: none. Motion carried. Judging will be done on December 22.

Comm. Hileman made motion to accept the 2020 meeting schedules for the Village Board and Planning and Zoning Board, second by Smith. Roll call – Ayes: Comm. Smith, Hileman, Mayor Serena. Nays: none. Motion carried.

Attorney Belt addressed the Board regarding an ordinance regulating adult-use recreational cannabis. It would be preferred to have the ordinance on file by January1, however, it can be put into place after that. The ordinance needs to be split up into the five different uses that are identified in the Act: cultivation center, craft grower (grow, dry, cure), processing organizations, dispensing organizations (retail), transporting organizations. All of these would be subject to zoning ordinances. Wide latitude is granted under the Act in that the Village can allow all of the uses, prohibit all of the uses, allow some/prohibit others. Each of them can be classified as a permitted use or a conditional permitted use, however, a conditional permitted use would require a public hearing before the Planning & Zoning Board before the Village Board could take action. If it is a permitted use, if it met the provisions of the building and zoning code, building permits could be issued without any Village Board approval. The "opting out" reference is related to the Board's ability through the zoning code to prohibit the uses. There is also a provision specific to dispensaries which could allow on-site consumption either within a dispensary or an entirely

separate location. Regardless, a public hearing must be held before P & Z to consider the issues and make a recommendation for any zoning text amendment. It does not have to happen before the end of the year but the risk is that if an ordinance is not in place and the building code allows it, if one of these organizations comes in and wants to build, the Village would have to allow it. A notice of public hearing must be published in the paper between 15 and 30 days prior to the date of the public hearing and the P & Z Board could hold a special meeting. A proposed ordinance could be drafted prior to a public hearing for the public to review in advance. Enforcement of the law would be the responsibility of the municipality. Comm. Hileman and Mayor Serena will talk to other municipalities to see what they are doing and further discussion should be delayed until the full Board is present.

Comm. Hileman made motion to approve Mayor Serena's appointment of Justin Hurley to the Planning & Zoning Board, second by Smith. Roll call – Ayes: Comm. Smith, Hileman, Mayor Serena. Nays: none. Motion carried.

Unfinished Business:

No unfinished business was presented.

Reports –

Atty. Belt – Nothing to report

Comm. Hileman – The CDs have been renewed for one year at 2.16%.

Comm. Smith – Brad has done some alleys. The alley behind the post office can't be graded, it is asphalt. He asked about the issue regarding the alley that was blocked. The Mayor explained that it is not an improved alley, it is a grass alley not intended to be used for traffic.

Comm. Hill – Absent

Comm. Wolf – Absent

Casey McCollom – Nothing to report

Clerk Malinowski – Nothing to report.

Mayor Serena – The Tree Lighting ceremony will be held at 6:00 p.m. on Sunday, December 1, coinciding with the Festival of Trees. The dedication of the town clock will be held after the tree lighting.

As there was no further business brought before the council, a motion to adjourn was made by Comm. Hileman, second by Smith. Roll call – Ayes: Comm. Smith, Hileman, Mayor Serena. Nays: None. Motion passed. Meeting was adjourned at 8:05 p.m.

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Pat Malinowski, Clerk