

**CITY OF ROCK ISLAND
CITY COUNCIL STUDY SESSION
February 10, 2020 - 5:30 p.m.**

**City Council Chambers, City Hall, 3rd Floor
1528 Third Avenue, Rock Island, IL**

2/10/2020 - Minutes

UPDATE ON ZONING CODE

Planning and Redevelopment Administrator Miles Brainard said the City was beginning to reexamine the Zoning Ordinance. He said since the completion of the Sign Ordinance update, the department is hoping to complete the update by the end of the year. He said they have reached out to select members of the Planning Commission and Zoning Appeals for feedback and suggestions. He showed a slide with details of where the department was with the update process, as well as a timeline for their expected progress.

Alderman Parker asked first for a broader discussion on housing types, then about the sign ordinance enforcement deadline. Mr. Brainard said the deadline is March 1st, and in some locations there is an overabundance of signage, which will no longer be allowed. Mr. Brainard said the individuals in question have been notified of said deadline, and clarified that window signs are the focus of the issue. Alderman Parker asked what would be the most effective course of action to address these issues. Mr. Brainard encouraged Council to speak with Staff if they have questions regarding signage in their Ward.

Alderman Parker asked Mr. Brainard for an update on what Staff has done regarding environmental sustainability. Mr. Brainard said the study is important, but at the time the department is short-staffed and the project has been delayed as a result. He also said Staff has discussed management of the Emerald Ash Borer infestation of many ash trees in the City.

DRAFT AMENDMENT TO CANNABIS ORDINANCE

Mr. Brainard discussed proposed changes to the City's Cannabis Ordinance and changes at the state level. He discussed what it may mean for the City, and how ongoing changes at the state level may affect City policy. He said City Council needs to decide if it wishes to allow consumption of cannabis in Retail Tobacco Stores or cafes. He suggested that any proposal stay consistent with the rest of the current Ordinance.

Alderman Hurt was concerned about owner liability when patrons leave the establishment, and asked City Attorney Dave Morrison to clarify. Mr. Morrison said he was not currently aware of such a thing, but he imagined insurance companies were looking into something that fit this model. He imagined the State would want regulations to ensure owner obligation. Alderman Hurt expressed concern over how patrons would be monitored coming in or leaving the establishments, and said there is too much unknown at this time. Alderman Spurgetis asked if the Police Department would be able to do checks as they have in the past with area bars to ensure all was well. Mr. Brainard said the State Police are responsible for the enforcement of law for licensed cannabis establishments. He invited Police Chief Jeff Van Huizen to elaborate. Mr. Van Huizen said police departments have received little guidance from the State when it comes to enforcement, and mobile training units may no longer continue to exist. Mr. Morrison said enforcement could be subject to regulations for a local license.

Mayor Thoms said he agreed with Alderman Hurt's concerns, and questioned the legality of

carrying into and out of an establishment. He asked whether cannabis lounges would be separate areas or separate rooms within a tobacco business. Mr. Brainard said the proposed local rule would have cannabis lounges enclosed with a wall and door to keep it separate from another part of the business. Mayor Thoms asked if vaping was considered tobacco. Mr. Brainard said the current ordinance does not address this newer form, or nicotine in general, but does address tobacco. He said questions of whether or not enforcement can occur for violations of rules is for the State to address, but municipalities have carte blanche to decide what rules are to be set within their cities. Mayor Thoms asked if police still could enforce in a just cause scenario, and Mr. Brainard confirmed yes. Mr. Morrison also confirmed that violations of state law are enforceable by local police. Mayor Thoms expressed concern over future laws that may impact businesses and how they set up now versus later. He said there is no current financial gain for the City other than a license fee. Mr. Brainard said there are other forms of revenue to pursue within the constructs of a business that may benefit the City. Mayor Thoms said he currently opposes the proposal and prefers to wait and see what happens with cannabis laws before making a move.

Alderman Hurt said he agreed with the Mayor, and there were too many unknowns as far as enforcement liabilities. Alderman Spurgetis said if Staff recommended moving forward, he would be in favor of licensing and restricting the number distributed, as well as setting a fee to compensate for Staff time. Mr. Brainard said there are no examples of what an appropriate price would be. Alderman Parker said much of the discussion was similar to what the State has already done, and what will continue to be done. He said people have been allowed to go into bars for a long time, and it has been understood that communities have provided places for citizens to enjoy libations. He said Council has an opportunity to be a leader on this front, and there are many people his age that have interest in going to a place like this. He asked Council to have an open mind, and noted that Rock Island would receive many visitors. He asked if Council passes the measure, and as long as a business complies with the smoke free statutes, would they be able to have on-site cannabis consumption. Mr. Brainard said assuming the business meets the requirements, yes. Alderman Parker asked if Staff would verify State licensure and ensure adherence to the rules.

Alderman Clark said there is an opportunity for Council to help residents of Rock Island give to businesses. He agreed with Alderman Parker that Rock Island could be the leaders on this, as it is the direction the issue is going, and if the City wants to attract young people to downtown, this is one way to do that. He said this is something the City could be forward thinking on by supporting the measure instead of basing decisions on how one feels about marijuana.

Alderman Poulos said he did not think Council should rush into decisions. He encouraged the guidance of the Police Department and their experiences so they are not put in an untenable situation. He said the answers he wants would come from experiences of other areas that have had smoking lounges. Mr. Tweet said there are none of these in the state now, and one is pending that is associated with a dispensary. Alderman Spurgetis asked if other state scenarios could be used. Mr. Brainard said every state has approached the issue in different ways, and therefore it is difficult and possibly unfair to compare. Mayor Thoms said other scenarios will have more information, but it may not be relevant to the issue. Alderman Hurt said since the information is not available, this needs to be held off until more is available. Alderman Clark suggested Council come up with a list of questions for Staff to research. Alderman Spurgetis suggested that interested parties should speak with the Police Department to develop a dialogue. Mr. Ven Huizen came to the front and said he agrees with Aldermen Poulos and Hurt regarding a cautious approach. He said Council's decision will inform the Police Department's involvement.

Alderman Parker if the current ordinance refers to state law regarding public consumption. He asked if an ordinance could be created to regulate cannabis transport outside of a cafe in the way open containers of alcohol are. He said if this can be done safely and fairly, he thinks it can

be done by focusing on what regulations are on alcohol. Alderman Poulos reiterated that it would be best to give the interested parties time to have a dialogue. Mr. Brainard said the first ordinance was created knowing that changes would be made at the State level. Mr. Tweet said licensing fees would be what the City's cost is, similar to other licensing fees. He said there is not significant money to be made on cannabis, but would likely increase sales of existing products. Alderman Parker expressed concern that significant regulations may end up being seen as unconstitutional, and Mr. Brainard replied that not getting sued is the number one priority.

Josh Adams, Deputy Clerk