



**City of Wilmington
1165 South Water Street
Wilmington, IL 60481**

**Agenda
Regular City Council Meeting
Wilmington City Hall
Council Chambers
January 7, 2020
7:00 p.m.**

I. Call to Order

II. Pledge of Allegiance

III. Roll Call by City Clerk

John Persic, Jr.	Kevin Kirwin
Floyd Combes	Dennis Vice
Lisa Butler	Ben Dietz
Frank Studer	Jake Tenn

IV. Approval of the December 17, 2019 Regular City Council Meeting Minutes

V. Mayor's Report

1. Gift Certificate Presentation to Holiday Décor Winners

VI. Public Comment

(State your full name clearly; limit 3 minutes each per Ordinance 19-06-18-01)

VII. Planning & Zoning Commission

1. The next regular scheduled meeting is Thursday, January 9, 2020 at 5:00 p.m.

VIII. Committee Reports

A. Police & ESDA Committee
Co-Chairs – Frank Studer & Lisa Butler

1. The next scheduled meeting is Tuesday, January 14, 2020 at 5:30 p.m.

*Posting Date:
12/13/2019 at 11:01 AM jjz*

B. Ordinance & License Committee

Co-Chairs – Floyd Combes & Jake Tenn

1. Approve Ordinance No. 20-01-07-01 – An Ordinance Amending Certain Sections of The Code of Ordinances for the City of Wilmington Pertaining to Cannabis and Related Paraphernalia Use, Sales, Cultivation, and Possession
2. The next scheduled meeting is Tuesday, January 14, 2020 at 6:00 p.m.

C. Buildings, Grounds, Parks, Health & Safety Committee

Co-Chairs – John Persic, Jr. & Floyd Combes

1. The next scheduled meeting is Wednesday, January 15, 2020 at 5:30 p.m.

D. Water, Sewer, Streets & Alleys Committee

Co-Chairs – Frank Studer & Kevin Kirwin

1. The next scheduled meeting is Wednesday, January 15, 2020 at 6:00 p.m.

E. Finance, Administration & Land Acquisition Committee

Co-Chairs – Frank Studer & Ben Dietz

1. Approve the Accounting Reports as Prepared by the Accountant
2. The next scheduled meeting is Tuesday, January 21, 2020 at 6:00 p.m.

F. Personnel & Collective Bargaining Committee

Co-Chairs – John Persic, Jr. & Dennis Vice

1. Approve to Seek & Hire Finance Director

IX. Attorney & Staff Reports

X. Executive Session

1. Appointment, Employment, Dismissal, Compensation, Discipline and Performance of an Employee of the City of Wilmington (5 ILCS 120/2(c)(1))

XI. Possible Action Following Executive Session

XII. Adjournment

The next City Council meeting is Tuesday, January 21, 2020 at 7:00 p.m.

**Minutes of the Regular Meeting of the
Wilmington City Council
Wilmington City Hall
1165 South Water Street
December 17, 2019**

Call to Order

The Regular Meeting of the Wilmington City Council on December 17, 2019 was called to order at 7:00 p.m. by Mayor Roy Strong in the Council Chambers of the Wilmington City Hall.

Roll Call

Upon Roll Call by the Clerk the following members of the corporate authorities answered “Here” or “Present”:

Aldermen Present Persic, Kirwin, Combes, Vice, Dietz, Studer, Tenn, Butler

Quorum

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

Other Officials in Attendance

Also, in attendance were the City Administrator/Deputy City Clerk Joie Ziller, Chief of Police Phil Arnold and City Attorney Brian Wellner

Approval of Minutes

Alderman Combes made a motion and Alderman Tenn seconded to approve the December 3, 2019 Regular City Council meeting minutes and December 10, 2019 Special City Council meeting minutes and have them placed on file

Upon roll call, the vote was:

AYES: 8 Dietz, Combes, Vice, Kirwin, Persic, Butler, Tenn, Studer

NAYS: 0

The motion carried.

Mayor’s Report

Mayor Strong announced the winners the Aldermen chose for the home with the most holiday cheer – 1st Ward: The Hameister Family at 613 S. Circle Drive, 2nd Ward: The Hackett Family at 504 E. Baltimore Street, 3rd Ward: The Brownlee Family at 814 Lexington Court, 4th Ward: The Ragan Family at 1512 Marion Court. The winners will receive a \$100 Ace Hardware Gift Certificate and will be recognized at the January 7, 2020 City Council meeting.

City Hall will be closed on December 24 & 25 in observance of the Christmas holiday.

Chief of Police – Award & Recognition Presentation

Chief Arnold recognized Officer Anthony Ritz, Sergeant Justin Dole, Officer Fabian Reyes and Detective Karl Jurgens.

Public Comment

No public comments were made.

Planning & Zoning Commission

The next meeting is scheduled for Thursday, January 9, 2020 at 5:00 p.m.

Committee Reports

Police & ESDA Committee

The next scheduled meeting is Tuesday, January 14, 2020 at 5:30 p.m.

Ordinance & License Committee

The next scheduled meeting is Tuesday, January 14, 2020 at 6:00 p.m.

Buildings, Grounds, Parks, Health & Safety Committee

The next scheduled meeting is Wednesday, January 15, 2020 at 5:30 p.m.

Water, Sewer, Streets and Alleys Committee

The next scheduled meeting is Wednesday, January 15, 2020 at 6:00 p.m.

Finance, Administration & Land Acquisition Committee

Alderman Studer made a motion and Alderman Dietz seconded to approve the accounts payable report in the amount of \$642, 579.13 as prepared by the City Accountant

Upon roll call, the vote was:

AYES: 8 Dietz, Combes, Vice, Kirwin, Persic, Butler, Tenn, Studer

NAYS: 0

The motion carried.

Alderman Studer made a motion and Alderman Dietz seconded to approve Ordinance No. 19-12-17-01 – An Ordinance for the Levy and Collection of Taxes for the City of Wilmington, Will County, Illinois, for the Fiscal Year Beginning May 1, 2020 and Ending April 30, 2021

Upon roll call, the vote was:

AYES: 8 Dietz, Combes, Vice, Kirwin, Persic, Butler, Tenn, Studer

NAYS: 0

The motion carried.

Alderman Dietz made a motion and Alderman Studer seconded to approve Ordinance No. 19-12-17-02 – An Ordinance abating the tax hereto levied for the year 2019 to pay the principal of and

interest on \$685,000 General Obligation Refunding Bonds (Alternate Revenue Source), Series 2015, of the City of Wilmington, Will County, Illinois

Upon roll call, the vote was:

AYES: 8 Dietz, Combes, Vice, Kirwin, Persic, Butler, Tenn, Studer

NAYS: 0

The motion carried.

Alderman Studer made a motion and Alderman Dietz seconded to approve Ordinance No. 19-12-17-03 – An Ordinance for The Levy and Assessment of Taxes for The City of Wilmington Special Service Area Number 1 For the Fiscal Year Beginning May 1, 2020 and Ending April 30, 2021

Upon roll call, the vote was:

AYES: 8 Dietz, Combes, Vice, Kirwin, Persic, Butler, Tenn, Studer

NAYS: 0

The motion carried.

The next scheduled meeting is Tuesday, January 21, 2020 at 6:00 p.m.

Personnel & Collective Bargaining Committee

Nothing at this time.

Attorney & Staff Reports

Attorney Wellner informed the Council that he will preparing the draft ordinance amending recreational cannabis related to underage consumption, possession, sale, transfer, etc.

Executive Session

Alderman Persic made a motion and Alderman Kirwin seconded to go into Execution Session at 7:14 p.m. to discuss Matters of Personnel under Section 2(c)(1) “Appointment, Employment, Compensation, Discipline, Performance or Dismissal of specific employees...” and Section 2(c)(2) “Collective negotiating matters between the public body and its employees...” of the Open Meetings Acts (5 ILCS 120/1 *et seq.*)

Upon roll call, the vote was:

AYES: 8 Dietz, Combes, Vice, Kirwin, Persic, Butler, Tenn, Studer

NAYS: 0

The motion carried.

Alderman Persic made a motion and Alderman Butler seconded to close Executive Session at 7:34 p.m.

Upon roll call, the vote was:

AYES: 8 Dietz, Combes, Vice, Kirwin, Persic, Butler, Tenn, Studer

NAYS: 0

The motion carried.

Action Taken Following Executive Session

Alderman Persic made a motion and Alderman Butler seconded to approve the City Administrator to seek and hire a Utility Billing Clerk as classified in the American Federal of State, County and Municipal Employees Collective Bargaining Agreement

Upon roll call, the vote was:

AYES: 8 Dietz, Combes, Vice, Kirwin, Persic, Butler, Tenn, Studer

NAYS: 0

The motion carried.

Alderman Persic made a motion and Alderman Combes seconded to approve the City Administrator to seek and hire a Part-Time Fiscal Clerk as classified in the American Federal of State, County and Municipal Employees Collective Bargaining Agreement

Upon roll call, the vote was:

AYES: 8 Dietz, Combes, Vice, Kirwin, Persic, Butler, Tenn, Studer

NAYS: 0

The motion carried.

Alderman Persic made a motion and Alderman Butler seconded to approve the City Administrator to seek and hire a Full-Time Executive Secretary

Upon roll call, the vote was:

AYES: 8 Dietz, Combes, Vice, Kirwin, Persic, Butler, Tenn, Studer


NAYS: 0

The motion carried.

Adjournment

Motion to adjourn the meeting made by Alderman Butler and seconded by Alderman Vice. Upon voice vote, the motion carried. The Regular Meeting of the City of Wilmington City Council held on December 17, 2019 adjourned at 7:36 p.m.

Respectfully submitted,



Joie Ziller, Deputy City Clerk

ORDINANCE NO. 20-01-07-01

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE
CODE OF ORDINANCES FOR THE CITY OF WILMINGTON PERTAINING TO
CANNABIS AND RELATED PARAPHERNALIA USE, SALES, CULTIVATION,
AND POSSESSION**

WHEREAS, the City of Wilmington is an Illinois Municipal Corporation organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq*; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027 (hereinafter referred to as the “Act”), which regulates the personal use of cannabis and provides for penalties under Article 10 of the Act; and

WHEREAS, the City finds and determines that it is in the best interest of the health, safety and welfare of its residents to update the City’s Code of Ordinances to regulate cannabis in the manner provided by the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, IN THE EXERCISE OF ITS STATUTORY AND OTHER POWERS AS FOLLOWS AS FOLLOWS:

SECTION 1. RECITALS INCORPORATED

The recitals set forth hereinabove shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2. CHAPTER 134 – DRUG OFFENSES OF TITLE XIII – GENERAL OFFENSES OF THE WILMINGTON CODE OF ORDINANCES CREATED

That Section 134 – DRUG OFFESNES of Title XIII – GENERAL OFFENSES of the City of Wilmington Code of Ordinances is hereby created:

134.01 – Definitions.

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Cannabis means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or

preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. “Cannabis” does not include industrial hemp as defined and authorized under the Industrial Hemp Act. “Cannabis” also means cannabis flower, concentrate, and cannabis-infused products.

Cannabis concentrate means a product derived from cannabis that is produced by extracting cannabinoids, including tetrahydrocannabinol (THC), from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice, or dry ice; or butane, propane, CO₂, ethanol, or isopropanol and with the intended use of smoking or making a cannabis-infused product. The use of any other solvent is expressly prohibited unless and until it is approved by the Department of Agriculture.

Cannabis container means a sealed, traceable, container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.

Cannabis flower means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

Cannabis-infused product means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis or cannabis concentrate that is not intended to be smoked.

Cannabis paraphernalia means equipment, products, or materials intended to be used for planting, propagating, cultivating, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, or otherwise introducing cannabis into the human body.

Casual delivery means the delivery of not more than ten grams of any substance containing cannabis, without consideration.

Controlled substance shall have the meaning ascribed to it in section 102 of the Illinois Controlled Substances Act (720 ILCS 570/102), as if it were fully set forth herein.

Deliver or *delivery* means the actual, constructive or attempted transfer of possession of cannabis, with or without consideration, whether or not there is an agency relationship.

Drug paraphernalia shall have the meaning ascribed to it in section 2(d) of the Drug Paraphernalia Control Act (720 ILCS 600/2), as if it were fully set forth herein.

Manufacture means the production, preparation, propagation, compounding, conversion or processing of cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes the packaging or repackaging of cannabis or labeling of its container, except that this term does not include the preparations compounding, packaging or labeling of cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.

Person means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

Produce or *production* means planting, cultivating, tending or harvesting.

134.02 - Drug paraphernalia.

- (A) Possession of drug paraphernalia.
 - (1) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing a controlled substance into the human body, or in preparing a controlled substance for that use, is guilty of a violation of this Code for which the court shall impose a maximum fine of \$750 in addition to any other penalty prescribed in this Code.
 - (2) In determining intent under subsection (A)(1) of this section, the trier of fact may take into consideration the proximity of the controlled substance to drug paraphernalia or the presence of a controlled substance on the drug paraphernalia.

134.03 – Cannabis Paraphernalia.

- (A) No person under the age of twenty-one (21) years old shall possess cannabis paraphernalia. Any person in violation of Section shall be fined not less than \$250.

134.04 - Cannabis—Possession and Consumption prohibited.

- (A) *Possession of cannabis prohibited.* It is declared to be an offense for any person to knowingly possess more than 30 grams of cannabis flower, more than 500 milligrams of THC contained in cannabis-infused product, or more than 5 grams of cannabis concentrate. It is unlawful for any person who is 21 years of age or older and who is not a resident of this State to possess more than 15 grams of cannabis flower, more than 2.5 grams of cannabis concentrate, or more than 250 milligrams of THC contained in a cannabis-infused product. Any person in violation of this Section shall be fined not less than \$350.
- (B) *Possession of cannabis under 21.* No person under the age of twenty one (21) years old shall possess cannabis, its concentrate, or derivative in any form. Any person in violation of this Section shall be fined not less than \$250 for possessing up to 30 grams of cannabis and not less than \$500 for possessing up to 100 grams of cannabis.
- (C) *Possession in Specific Locations prohibited.* No person shall possess cannabis, its concentrate, or derivative in any form, in the following any of the following places:
 - (1) school bus;
 - (2) on the grounds of any preschool or primary or secondary school;
 - (3) in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving; or
 - (4) in private residences which are used at any time to provide licensed child care or other similar social service care.Any person in violation of this Section shall be fined not less than \$500.

- (D) *Consumption of cannabis under 21 prohibited.* No person under the age of twenty one (21) years old shall consume cannabis, its concentrate, or derivative in any form. Any person in violation of this Section shall be fined not less than \$250.

- (E) *Consumption Prohibited in Specific Locations.* No person shall use or otherwise consume cannabis in any form in any of the following places:
 - (1) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
 - (2) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
 - (3) in any correctional facility;
 - (4) in any motor vehicle;
 - (5) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
 - (6) in any public place; or
 - (7) knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act.

Any person in violation of this Section shall be fined not less than \$500.

134.05 – Cannabis—Sale, Transfer, and Retailers; fines for violation.

- (A) *Sale of Cannabis Prohibited.* No person, corporation, or entity of any kind shall sell, distribute, or transfer cannabis to any person under the age of twenty-one (21). Any person in violation of this Section shall be fined not less than \$500, and, when applicable, shall constitute grounds for revocation of any and all City licenses issued to the persons/premises where the violations occur. The revocation shall be governed by Chapter 110 of this Code.

- (B) *Transfer of Cannabis Prohibited.* It shall be unlawful for any person, corporation, or entity to transfer, sell, or offer for sale cannabis, its concentrate, or derivative in any form without an Illinois Cannabis Retailers certificate of registration or otherwise contrary to the Illinois Cannabis Regulation and Tax Act or Medical Cannabis Pilot Program Act. Any person in violation of this Section shall be fined not less than \$500, and, when applicable, shall constitute grounds for revocation of any and all City licenses issued to the persons/premises where the violations occur. The revocation shall be governed by Chapter 110 of this Code.

- (C) Any person who knowingly acts as a retailer of cannabis, its concentrate, or derivative in any form in this municipality without first having obtained a certificate of registration to do so in compliance with Section 65-20 of the Cannabis Regulation and Tax Act (410 ILCS 705/65-38) shall be guilty of a Class 4 Felony. In addition to any criminal penalties, when applicable, a violation of this Section shall constitute grounds for revocation of any and all

City licenses issued to the persons/premises where the violations occur. The revocation shall be governed by Chapter 110 of this Code.

134.06 – Cannabis—Cultivations; fines for violation.

(A) *Cultivation Prohibited.* Cultivation of any form of cannabis is prohibited except as when such cultivation is in compliance with Section 10-5(b) of the Cannabis Regulation and Tax Act (410 ILCS 705/10-5). Any person in violation of this Section shall be fined not less than \$200.

(B) *Possession in Violation of 720 ILCS 550/8.* No person shall possess more than five (5) of the Cannabis plant. Any person in violation of this Section shall be fined not less than \$200.

134.07 – Exempt Persons.

All persons who may, under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, lawfully sell, offer for sale, deliver, dispense, distribute, and possess cannabis, are exempt from this Chapter.

134.08 – Penalty.

Any person, firm or corporation violating any provision in this title, for which another penalty is not provided, shall for a first conviction be fined not less than \$25 nor more than \$750, for a second conviction within one year thereafter, the person, firm or corporation shall be fined not less than \$100 nor more than \$750 and for a third or subsequent conviction within one year after the first conviction, the person, firm or corporation shall be fined not less than \$250 nor more than \$750. A separate offense shall be deemed committed on each day during or which a violation occurs or continues.

SECTION 3. SEVERABILITY

If any section, paragraph, clause or provision of this ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

SECTION 4. REPEAL OF CONFLICTING PROVISIONS

That Section 130.13 – Drug paraphernalia of Chapter 130 – OFFENSES AGAINST THE PERSON and Section 133.10 – Possession of cannabis prohibited of Chapter 133 – OFFENSES AGAINST PUBLIC MORALS AND DECENCY of the City of Wilmington Code of Ordinances are hereby repealed. All other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

PASSED this 7th day of January, 2020 with _____ members voting aye, _____ members voting nay, the Mayor voting _____, with _____ members abstaining or passing and said vote being:

John Persic, Jr.	_____	Kevin Kirwin	_____
Dennis Vice	_____	Floyd Combes	_____
Ben Dietz	_____	Lisa Butler	_____
Jake Tenn	_____	Frank Studer	_____

Approved this 7th day of January, 2020

Roy Strong, Mayor

Attest:

Joie Ziller, Deputy City Clerk