

The County Board of Whiteside County, Illinois, convened in the County Board room at the Law Enforcement Center in Morrison on Tuesday, December 17, 2019 at 6:30 p.m. Notice of the meeting was given to all Board Members and was posted in the County Clerk's office.

Mr. Duffy, Chairman, called the board meeting to order and directed the Clerk to call the roll. On roll call members: James Arduini, Thomas Ausman, Sue Britt, Doug Crandall, Paul Cunniff, James Duffy, John Espinoza, Glenn Frank, Kurt Glazier, Mark Hamilton, Fidencio Hooper-Campos, Eugene Jacoby, Martin Koster, William Lee, William McGinn, Cynthia Mead, William Milby, Karen Nelson, Katherine Nelson, Linda Pennell, Larry Russell, Howard Bud Thompson and Glenn Truesdell (23) were present; Members: Daniel Bitler, Ruth Stanley and Doug Wetzell (3) were absent.

Mr. Duffy led the Board in the Pledge of Allegiance to the Flag.

Mr. Duffy announced the appointment of Owen Harrell to the Whiteside County Board to fill the unexpired term of Robert VanDeVelde. The Clerk administered the Oath of Office to Mr. Harrell whereupon he was congratulated and authorized to take his seat as a full member of this board.

Motion by Mrs. Britt that the County Clerk dispense with the reading of the minutes of the meeting of November 19, 2019, and that these minutes, as sent to the members, be approved. Seconded by Mr. Ausman. Motion carried.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 12-2019-1

WHEREAS, Ellen Anderson began working for Whiteside County as a Telecommunicator on November 2, 1978 and;

WHEREAS, Ellen Anderson is retiring after 25 years of service to Whiteside County, and the people of the County of Whiteside;

NOW, THEREFORE BE IT RESOLVED, that the County Board of Whiteside does hereby honor Ellen Anderson for her diligence and exemplary performance as Telecommunicator for the Sheriff's Department, Deputy Clerk for the Circuit Clerk and Accountant Clerk for the Auditor's Office in Whiteside County, and to its citizens, and;

BE IT FURTHER RESOLVED, that the County Clerk of Whiteside County be directed to forward a copy of this Resolution to Ellen Anderson.

Motion by Mr. Truesdell to adopt the foregoing Resolution of Retirement to Ellen Anderson, as presented. Motion carried. Ellen was present to accept the Resolution.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 12-2019-2

WHEREAS, since the last Whiteside County Board meeting, the family and friends of Peggy Ottens, employee of the Whiteside County Sheriff's Department, have been saddened by her passing on November 24, 2019 and,

WHEREAS, Mrs. Ottens served as Records Secretary from 2002 thru 2015 and Control Room Operator from 2015 thru 2019; and

WHEREAS, Mrs. Ottens passing leaves her family and friends with an immeasurable void.

NOW, THEREFORE BE IT RESOLVED, that the Whiteside County Board conveys its condolences to family and friends of Peggy Ottens in their hour of bereavement; and

BE IT FURTHER RESOLVED, that the County Clerk of Whiteside County be directed to forward a copy of this Resolution to the Ottens family.

Motion by Mr. Truesdell to adopt the foregoing Resolution of Condolence in memory of Peggy Ottens, as presented. Motion carried.

The Clerk informed the board that she had received petitions supporting adult use cannabis businesses. Mr. Duffy stated that he had received a Christmas Card from the YWCA for the County Board.

Mr. McGinn presented the following Resolution:

ORDINANCE NO. 12-2019-3

WHEREAS, the Whiteside County Building and Zoning Administrator, duly filed with the Planning and Zoning Commission, her petition praying that the following amendments be made to the Whiteside County Zoning, Planning and Development Ordinance found in Chapter 39, Articles I, III and V of the Whiteside County Code; and

WHEREAS, the Planning and Zoning Commission held the required public hearing on the proposed amendments on November 21, 2019, and has recommended to this Board that said amendments be adopted as follows:

Chapter 39 - ZONING, PLANNING AND DEVELOPMENT

ARTICLE I. - IN GENERAL

Sec. 39-3. - Definitions.

Cannabis Business Establishment means an adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

Cannabis Craft Grower means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Cultivation Center means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Dispensing Organization means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Infuser Organization or Infuser means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Processing Organization or Processor means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce a cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Cannabis Transporting Organization or Transporter means an organization that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ARTICLE II. – ZONING DISTRICTS

Table 2-1. Use Matrix

Use	F-1	C-1	A-1	B-1	B-2	B-3	I-1	I-2	Definition
Commercial									
Cannabis Dispensing Organization					P	P	P		See Sec. 39-3
Medical cannabis dispensing facilities					P	P	P		
Manufacturing/Industrial									
Cannabis Craft Grower							P	P	See Sec. 39-3
Cannabis Cultivation Center							P	P	See Sec. 39-3
Cannabis Infuser Organization or Infuser							P	P	See Sec. 39-3
Cannabis Processing Organization or Processor							P	P	See Sec. 39-3

religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

- (2) A facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- (3) At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) For purposes of determining required parking, a Cannabis Processing Organization shall be classified as "Production, General" per Section 39-79, Table 3-5 of the Whiteside County Code.
- (5) An applicant shall file an affidavit with the Whiteside County Building and Zoning Office affirming compliance with Section 39-269 as provided herein and all other requirements of the Act.

(a) Cannabis Transportation Organization. In those zoning districts in which a Cannabis Transporting Organization may be located, the proposed facility must comply with the following:

- a. A Transporting Organization Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- b. A facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- c. The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- d. For purposes of determining required parking, a Cannabis Transporting Organization shall be classified as "Truck Transportation" per Section 39-79, Table 3-5 of the Whiteside County Code.
- e. An applicant shall file an affidavit with the Whiteside County Building and Zoning Office affirming compliance with Section 39-269 as provided herein and all other requirements of the Act.

(f) On-Site Consumption of Cannabis. On-site consumption of cannabis is prohibited in the unincorporated areas of Whiteside County.

(g) *Measurements to Property Lines.* For the purposes of Section 39-269 of the Whiteside County Code, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot/parcel on which an applicable Cannabis Business Establishment Facility is located to the nearest point on the property line of the lot/parcel of any protected use as identified in Section 39-269.

NOW, THEREFORE BE IT ORDAINED that the Whiteside County Board concurs with the Planning and Zoning Commission and hereby adopts said proposed Zoning, Planning and Development Ordinance amendments, as part of Chapter 39, Articles I, III and V of the Whiteside County Code and;

BE IT FURTHER ORDAINED that the effective date is immediately upon adoption.

Motion by Mr. McGinn to approve the foregoing petition for text amendments to Chapter 39 (Zoning, Planning and Development) of the Whiteside County Code for recreational cannabis, as presented. Motion by Mr. Hamilton to amend the motion to prohibit cannabis dispensing organizations but give us time to consider the zoning recommendations and board members would have the opportunity to discuss the implications of recreational sales further. Amendment I doesn't force us into something on January 1st that we are not prepared for. Voting prohibiting cannabis dispensing organizations would put us on record where the county stands. Amendment I would prohibit cannabis dispensing organizations, but other businesses related to recreational marijuana - cultivators, processors, transporters, infusers, would still be permitted, and the county would still receive applicable taxes. Mr. Duffy asked Mr. Hamilton for clarification of his motion. After discussion, the motion was ruled out of order by Chairman Duffy. Motion by Mrs. Karen Nelson to amend the motion to revise Sec. 39-269. (c) (7) that a Cannabis Dispensing Organization may not be located within 5 miles of the corporate limits of a zoned municipality. After discussion the motion was ruled out of order by Chairman Duffy. Motion by Mr. Thompson to call the question on the original motion. Seconded by Mr. Milby. On roll call members: Ausman, Britt, Harrell, Hooper-Campos, Lee, McGinn, Mead, Milby, Thompson and Truesdell (10) voted yes; members: Arduini, Crandall, Cunniff, Duffy, Espinoza, Frank, Glazier, Hamilton, Jacoby, Koster, Karen Nelson, Kathy Nelson, Pennell and Russell (14) voted no and the motion was declared defeated. After discussion, motion by Mr. Russell to amend the ordinance to eliminate B-2 and I-1. Seconded by Mr. Hamilton. After discussion, the question was called and on roll call members: Crandall, Espinoza, Frank, Glazier, Hamilton, Koster, Karen Nelson, Pennell and Russell (9) voted yes; members: Arduini, Ausman, Britt, Cunniff, Duffy, Harrell, Hooper-Campos, Jacoby, Lee, McGinn, Mead, Milby, Kathy Nelson, Thompson and Truesdell (15) voted no and the motion was declared defeated. After discussion, the question was then called on the original motion. On roll call members: Arduini, Ausman, Britt, Crandall, Cunniff, Duffy, Espinoza, Frank, Glazier, Harrell, Hooper-Campos, Jacoby, Koster, Lee, McGinn, Milby, Kathy Nelson, Russell, Thompson and Truesdell (20) voted yes, members; Hamilton, Mead, Karen Nelson and Pennell (4) voted no, and the motion was declared carried.

Kyle Folk - Spoke in opposition of recreational cannabis.

Brenda Mohr - Spoke in opposition of recreational cannabis.

Luke VanderBleek - Spoke in opposition of recreational cannabis.

Russ Holesinger - Spoke in opposition of recreational cannabis.

Darryl Hogue - Spoke in opposition of recreational cannabis.

Kristin Huisenga - Spoke in opposition of recreational cannabis.

Lucien DeBatty - Spoke in support of recreational cannabis.

Jeff Soenksen - Spoke in support of recreational cannabis.

Laura Shanahan - Spoke in support of recreational cannabis.

Thomas Genz - Spoke in support of recreational cannabis.

James Palmer - Spoke in support of recreational cannabis.

Sheriff Booker spoke to the board members about the billing issues for the dispatch center. He would like direction from the County Board and would like a committee formed to work on this issue. Mr. Truesdell asked Chairman Duffy to appoint a Committee.

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 12-2019-04

Resolution Appropriating Funds for the
Payment of the County Engineer's Salary
Section No. 20-00000-00-GM

WHEREAS, the County Board of Whiteside County has adopted a resolution establishing the salary of the County Engineer to be 100% of the recommended salary for the County Engineer as determined annually by the Illinois Department of Transportation, and

WHEREAS, the County Board of Whiteside County has entered into an agreement with the Illinois Department of Transportation for transfer of Federal Surface Transportation Program funds to pay one-half of the salary paid to the County Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Whiteside County Board that there is hereby appropriated, the sum of One-hundred twenty one thousand nine hundred and no/100 dollars (\$121,900.00) from the County's County MFT funds for the purpose of paying the County Engineer's salary from 01/01/2020 to 12/31/2020, and,

BE IT FURTHER RESOLVED, that the Whiteside County Board hereby authorizes the Department of Transportation, State of Illinois, to transfer Sixty-thousand nine-hundred fifty and no/100 dollars (\$60,950) of Federal Surface Transportation Program Funds allocated to Whiteside County to the Department of Transportation in return for an equal amount of State funds.

Motion by Mr. McGinn to recommend approval of the foregoing Resolution for Appropriating Funds for the payment of the County Engineer's salary to the full board, as presented. Motion carried.

Mr. McGinn presented the following Resolution:

RESOLUTION NO. 12-2019-05

Resolution for Maintenance
Under the Illinois Highway Code
Section No. 20-CS195-00-AC

BE IT RESOLVED, by the Board of the County of Whiteside County Illinois that there is hereby appropriated the sum of One Million Three Hundred Seventy Thousand Five Hundred Ten and .08 Dollars (\$1,370,510.08) of Motor Fuel Tax Funds for the purpose of maintaining streets and highways under the applicable provisions of Illinois Highway Code from 01/01/20 to 12/31/20.

BE IT FURTHER RESOLVED, that only those operations as listed and described on the approved Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that County of Whiteside County shall submit within three months after the end of the maintenance period as stated above, to the Department of Transportation, on forms available from the Department, a certified

statement showing expenditures and the balances remaining in the funds authorized for expenditure by the Department under this appropriation, and

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

Motion by Mr. McGinn to recommend approval of the County Motor Fuel Tax Maintenance Resolution for 2020 to the full board, as presented. Motion carried.

Motion by Mr. McGinn to place on file the Public Works Committee's meeting report, November 2019 claims report and related informational items, as presented. After discussion, the question was called and the motion was declared carried.

Motion by Mr. Arduini to declare the old election equipment as surplus equipment. Motion carried

Motion by Mr. Arduini to authorize the County Clerk to sell the surplus equipment at her discretion. Motion carried.

Motion by Mr. Arduini to place on file the County Offices Committee's meeting report, November 2019 claims report and related informational items, as presented. Motion carried.

Motion by Mrs. Nelson to place on file the Health and Social Services Committee's meeting report, November 2019 claims reports and related informational items, as presented. Motion carried. Mrs. Nelson gave a UCCI update.

Motion by Mr. Milby to place on file the Judiciary Committee's meeting report, November 2019 claims report and related informational items, as presented. Motion carried.

Motion by Mrs. Britt to approve a bid to replace the air conditioner unit for the courthouse, not to exceed \$115,000. Seconded by Mrs. Pennell. Motion carried.

Motion by Mrs. Britt to place on file the Public Safety Committee's meeting report, November 2019 claims report and related informational items, as presented. Motion carried.

Mr. Truesdell presented the following Resolution:

RESOLUTION NO. 12-2019-6

A resolution of and by Whiteside County, IL, supporting the creation of the statistical boundaries of the Mississippi River Ports of Eastern Iowa and Western Illinois.

WHEREAS, the collection of waterborne commerce statistics pertaining to rivers, harbors, and waterways and the compilation and publication of such data by the U.S. Army Corps of Engineers are required by federal law; and

WHEREAS, creation of the statistical boundaries of the Mississippi River Ports of Eastern Iowa and Western Illinois would more accurately reflect the local waterborne commerce activity and increase tonnage recorded by the Waterborne Commerce Statistics Center of the U.S. Army Corps of Engineers Navigation and Civil Works Decision Support Center, ranking the Port among the inland ports in the United States further supporting local economic development; and

WHEREAS, the proposed creation of the statistical boundaries will provide the opportunity for marketing and in investment opportunities which could lead to job creation and economic growth for Whiteside County, IL; and

NOW, THEREFORE BE IT RESOLVED that Whiteside County, IL, supports the port statistical boundary creation of the Mississippi River Ports of Eastern Iowa and Western Illinois between Mississippi River mile 361.5 and river mile 583.0 to include the entire riverfront of Whiteside County from river mile 512.3 to river mile 524.8 on the Mississippi River. Said support extends for statistical purposes only and not to any waterways organization or further control of the Mississippi River nor does the port designation impact any existing or future public port, terminal, or economic development authorities.

Motion by Mr. Truesdell to approve the foregoing Resolution to support the creation of the Mississippi River Ports of Eastern Iowa and Western Illinois, as presented. Motion carried.

Motion by Mr. Truesdell to approve the November 2019 mileage and travel reimbursement items for County Board members in the amount of \$1,530.53. On roll call members: Arduini, Ausman, Britt, Crandall, Duffy, Espinoza, Frank, Glazier, Hamilton, Harrell, Hooper-Campos, Jacoby, Koster, Lee, McGinn, Mead, Milby, Karen Nelson, Katherine Nelson, Russell, Thompson, Truesdell and Wetzell (23) voted yes, members voting no: none, and the motion was declared carried.

Motion by Mr. Truesdell to place on file the Finance Committee's meeting report, November 2019 claims report and related informational items, as presented. Motion carried.

Mr. Duffy announced the reappointment of Ray Darsidan, Mark Wiseley and James Duffy to the Emergency Telephone System Board. Motion by Mr. Truesdell that the foregoing reappointments be confirmed. Motion carried.

Mr. Duffy announced the reappointment of Jerry Ratajczak to the Planning and Zoning Board. Motion by Mr. Truesdell that the foregoing reappointment be confirmed. Motion carried.

Mr. Duffy announced the reappointment of Jerry Ratajczak as the Chairman of the Planning and Zoning Board. Motion by Mr. Truesdell that the foregoing reappointment be confirmed. Motion carried.

Mr. Duffy announced the reappointment of David Wherry to the Cat Tail Drainage District. Motion by Mr. Truesdell that the foregoing reappointment be confirmed. Motion carried. Mr. Wetzell abstained.

Motion by Mr. Truesdell to accept the Compensation Study bid from Carlson Dettman not to exceed \$43,500. Motion carried.

Mr. Truesdell presented the following Resolutions:

RESOLUTION NO. 12-2019-7

Whiteside County Board Schedule of Regular Meetings
- Calendar Year 2020 -

WHEREAS, Section 2-38 of the Whiteside County Code states, in part, that, "The regular and adjourned monthly meetings of the (Whiteside) county board will be held on the third Tuesday of each month . . ."; and,

WHEREAS, said section of the Whiteside County Code further states the regular meetings of this body politic will be held, ". . . at a time designated by the county board, in the meeting room of the county law enforcement center. . ."; and,

WHEREAS, the Open Meetings Act requires the Whiteside County Board to, ". . . give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings . . .".

THEREFORE, BE IT RESOLVED BY THE WHITESIDE COUNTY BOARD, the following:

Section 1. During calendar year 2020, the Whiteside County Board will convene at the Meeting Room at the Whiteside County Law Enforcement Center, at 6:30 PM, on the following dates:

1. February 18
2. March 19 (Thursday)
3. April 21
4. May 19
5. June 16
6. July 21
7. August 18
8. September 15
9. October 20
10. November 17
11. December 15

Section 2. During calendar year 2020, the Standing Committees of the Whiteside County Board will convene according to the schedule shown in Exhibit 1.

FURTHERMORE, BE IT RESOLVED that the meeting schedules may be altered, in order to comply with the Open Meetings Act, or to accommodate unusual contingencies. In the event this schedule is changed, notice of change will be posted and distributed pursuant to law.

RESOLUTION NO. 12-2019-8

ESTABLISHING THE HOLIDAY SCHEDULE FOR CALENDAR YEAR 2020

WHEREAS, observed county holidays are determined by the Whiteside County Board; and

WHEREAS, the County Board's Executive Committee has recommended a 13-day Holiday Schedule based on past practice.

NOW, THEREFORE, BE IT RESOLVED, BY THE WHITESIDE COUNTY BOARD, THAT:

Section 1. The Holiday Schedule for Calendar Year 2020 is established, as follows:

	Holiday	Day	Date
1	New Year's Day	Wednesday	January 1, 2020
2	Martin Luther King, Jr. Day	Monday	January 20, 2020
3	Presidents' Day	Monday	February 17, 2020
4	Good Friday	Friday	April 10, 2020
5	Memorial Day	Monday	May 25, 2020
6	Independence Day	Friday	July 3, 2020
7	Labor Day	Monday	September 7, 2020
8	Columbus Day	Monday	October 12, 2020
9	Veterans' Day	Wednesday	November 11, 2020
10	Thanksgiving Day	Thursday	November 26, 2020
11	Thanksgiving Friday	Friday	November 27, 2020
12	Christmas Holiday (1 st Day)	Thursday	December 24, 2020
13	Christmas Holiday (2 nd Day)	Friday	December 25, 2020

Section 2. This Resolution and every provision thereof shall:

- a. Be considered separable and the invalidation of any provision(s) shall not affect the validity of the remainder.
- b. Supersede any other Resolutions or parts thereof, in conflict herewith.
- c. Take effect immediately, upon its adoption.

Motion by Mr. Truesdell to approve the 2020 Meeting Dates and Holiday Schedule. Motion carried.

Motion by Mr. Truesdell to place on file the Executive Committee's meeting report, November 2019 claims report and related informational items, as presented. Motion carried.

Motion by Mr. Russell to opt out of all recreational cannabis businesses in unincorporated areas of Whiteside County. Seconded by Mr. Hamilton. Mr. Duffy ruled the motion out of order since this was not on the agenda. After discussion, it was decided that the County Administrator would present an ordinance to opt out for the February board meeting.

Motion by Mr. Thompson that this meeting be adjourned, the Board to meet again on Tuesday, February 18, 2020 at 6:30 p.m. for the regular meeting. Seconded by Mr. Glazier. Motion carried. The meeting adjourned at 9:25 p.m.

Dana Nelson
Whiteside County Clerk

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