



COMMITTEE OF THE WHOLE MEETING
Monday, October 7, 2019
(Immediately following the Village Board Meeting)

AGENDA

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

1. Recreational Cannabis Businesses
2. Aurora Boundary Line Agreement Extension
3. Southwest Fox Valley Cable Consortium Membership

EXECUTIVE SESSION

ADJOURN

Initials SB

VILLAGE OF NORTH AURORA BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: PETITION 19-07: RECREATIONAL CANNABIS BUSINESSES
AGENDA: OCTOBER 7, 2019 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

On June 25th, 2019, Governor J.B. Pritzker signed the Cannabis Regulation and Tax Act, Illinois House Bill 1438, into law. This law makes cannabis (marijuana) legal to sell throughout the State of Illinois. Adults 21 and over will be allowed to purchase, possess, and consume cannabis. The bill will go into effect on January 1st, 2020, and addresses many different aspects of cannabis.

The Village will have the choice to prohibit or significantly limit the location of a cannabis business within its jurisdiction by ordinance. Zoning will be needed for cultivation centers, craft growers, infusers, processors, transportation organizations and dispensaries. The Village also has authority to determine if consumption of cannabis can be allowed on premise at dispensaries.

The Village Board discussed recreational cannabis businesses at their August 5, 2019 Committee of the Whole meeting. The Village Board indicated they were not interested in allowing on-site consumption of cannabis, but wanted to further explore the idea of allowing cannabis businesses in the Village. They concluded by directing staff to solicit input from the Plan Commission on the zoning aspects of cannabis businesses.

The Plan Commission discussed this item during a workshop session at their September 3, 2019 meeting. At that time, Plan Commission members were asked if they would want to limit the number of recreational cannabis dispensaries; if there is a particular zoning district appropriate for recreational cannabis dispensaries; if recreational cannabis dispensaries should be a permitted or special use; and if the Village should adopt setbacks from schools, parks, and day cares.

A public hearing was held on this item before the Plan Commission at their October 1, 2019 meeting. Based upon the Plan Commission's responses to the aforementioned questions, staff proposed six amendments to the Zoning Ordinance. The Plan Commission was in full agreement to allow Recreational Cannabis Dispensaries as a special use in all non-residential districts; allow Cannabis Craft Growers, Cannabis Infuser Organizations, Cannabis Processing Organizations, and Cannabis Transporting Organizations in the I-2 – General Industrial District as a special use; and restrict on-site consumption. Staff notes that the Plan Commission did not want to restrict the number of dispensaries, citing the State's 1,500 foot separation requirement as a means to naturally limit the number of dispensaries.

The Plan Commission was split on whether to require any buffering. Those Plan Commission members in favor of buffering implied possible negative impacts on the community, while those against any buffering believed that the 1,500 would limit the number of dispensaries and the special use process provides the Village with adequate oversight. The Plan Commission did get a positive vote to establish a 1,000 foot buffer for Recreational Cannabis Dispensaries specifically from the perimeter of Fearn Elementary School, Goodwin Elementary School, Schneider Elementary School, and Jewel Middle School. The Plan Commission also wanted to memorialize the state requirement prohibiting Recreational Cannabis Dispensaries from being located within 1,500 feet of the property line of a pre-existing dispensing organization. The following is the outcome of the Plan Commission's positive recommendation:

- 1) Allow Recreational Cannabis Dispensaries in the District B-1 – Community Business District, B-2 – General Business District and B-3 – Central Business District as a special use.
- 2) Allow Recreational Cannabis Dispensaries in the I-1 - Limited Industrial District, I-2 – General Industrial District and I-3 – Central Industrial District as a special use.
- 3) Allow Cannabis Craft Growers, Cannabis Infuser Organizations, Cannabis Processing Organizations, and Cannabis Transporting Organizations in the I-2 – General Industrial District as a special use.
- 4) Allow Recreational Cannabis Dispensaries in the O-R - Office and Research District and O-R-I – Office Research and Light Industrial District as a special use.
- 5) Establish a 1,000 foot buffer for Recreational Cannabis Dispensaries from the perimeter of Fearn Elementary School, Goodwin Elementary School, Schneider Elementary School, and Jewel Middle School.
- 6) Prohibit on-site consumption of cannabis as part of any permitted or conditional use.
- 7) Prohibit Recreational Cannabis Dispensaries from being located within 1,500 feet of the property line of a pre-existing Recreational Cannabis Dispensary.

Attachments:

- 1) Staff report to the Plan Commission.
- 2) Map illustrating a 1,000 foot buffer for Recreational Cannabis Dispensaries from the perimeter of Fearn Elementary School, Goodwin Elementary School, Schneider Elementary School, and Jewel Middle School.

Staff Report to the Village of North Aurora Plan Commission

To: Plan Commission Members

cc: Steve Bosco, Village Administrator

Prepared By: Mike Toth, Community and Economic Development Director

Petition: #19-07 – Cannabis Business Land Use Text Amendments

Hearing Date: October 1, 2019

Request(s):

- 1) Title 17.8.2 to allow Recreational Cannabis Dispensaries in the District B-1 – Community Business District, B-2 – General Business District and B-3 – Central Business District as a special use.
- 2) Title 17.9.2 to allow Recreational Cannabis Dispensaries in the I-1 – Limited Industrial District, I-2 – General Industrial District and I-3 – Central Industrial District as a special use.
- 3) Title 17.9.2 to allow Cannabis Craft Growers, Cannabis Infuser Organizations, Cannabis Processing Organizations, and Cannabis Transporting Organizations in the I-2 – General Industrial District as a special use.
- 4) Title 17.10.2 to allow Recreational Cannabis Dispensaries in the O-R – Office and Research District and O-R-I – Office Research and Light Industrial District as a special use.
- 5) Title 17.11.2 to establish buffer requirements for Recreational Cannabis Dispensaries from the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older.
- 6) Title 17.11.2 to prohibit on-site consumption of cannabis as part of any permitted or conditional use.

BACKGROUND

On June 25th, 2019, Governor J.B. Pritzker signed the Cannabis Regulation and Tax Act, Illinois House Bill 1438, into law. This law makes cannabis (marijuana) legal to sell throughout the State of Illinois. Adults 21 and over will be allowed to purchase, possess, and consume cannabis. The bill will go into effect on January 1st, 2020, and addresses many different aspects of cannabis.

The Village will have the choice to prohibit or significantly limit the location of a cannabis business within its jurisdiction by ordinance. Zoning will be needed for cultivation centers, craft growers, infusers, processors, transportation organizations and

dispensaries. The Village also has authority to determine if consumption of cannabis can be allowed on premise at dispensaries.

From a zoning perspective, the Cannabis Regulation and Tax Act provides local authority the ability to:

- Opt out of allowing cannabis businesses
 - Can allow recreational cannabis of certain businesses while prohibiting others
- Enact zoning ordinances and regulations designating the time, place, and manner; examples include:
 - Predefining the number of establishments
 - Limiting the location of cannabis businesses by:
 - Zoning district
 - Adopting setbacks (i.e. buffers) from schools, parks, day cares, etc.
 - Requiring a minimum distance between establishments
 - Classifying use as permitted or special use in various zoning districts
 - Reasonably limiting hours of operation
 - Prohibiting on-site consumption

For reference purposes, the Village allows medical cannabis dispensaries in all business, office and industrial districts as a permitted use and cannabis cultivation centers as a special use in the I-2 General Industrial District.

The Village Board discussed recreational cannabis businesses at their August 5, 2019 Committee of the Whole meeting. While the Village Board indicated they were not interested in allowing the miscellaneous cannabis businesses (craft growers, infusers, processors, transportation organizations) and on-site consumption of cannabis, they wanted to further explore the idea of allowing recreational cannabis dispensaries and directed staff to solicit input from the Plan Commission.

The Plan Commission discussed this item during a workshop session at their September 3, 2019 meeting. At that time, Plan Commission members were asked whether they would want to limit the number of recreational cannabis dispensaries; if there is a particular zoning district appropriate for recreational cannabis dispensaries; whether recreational cannabis dispensaries should be a permitted or special use; and whether the Village should adopt setbacks for setbacks from schools, parks, and day cares. The following is a general summation of the Plan Commission's feedback:

Limit the number of recreational cannabis dispensaries

While some Plan Commission members commented that there should be a limit on the number of recreational cannabis dispensaries, many believed that the number of recreational cannabis dispensaries should not be capped.

Outcome – the proposed text amendments do not include a limitation on the number of recreational cannabis dispensaries.

Particular zoning district appropriate for recreational cannabis dispensaries

The Plan Commission was seemingly supportive of allowing recreational cannabis dispensaries in all non-residential zoning districts, similar to that of medical cannabis dispensaries.

Outcome – recreational cannabis dispensaries are being proposed in all non-residential zoning districts.

Whether recreational cannabis dispensaries should be a permitted or special use

The Plan Commission debated on whether or not to allow recreational cannabis dispensaries as a permitted use with specifically adopted use standards or allow it as a special use. The Plan Commission concluded that recreational cannabis dispensaries should be a special use to allow the Village to regulate the use on a per-lot basis.

Outcome – recreational cannabis dispensaries are being proposed as a special use in all non-residential zoning districts.

Whether the Village should adopt setbacks for setbacks from schools, parks, and day cares

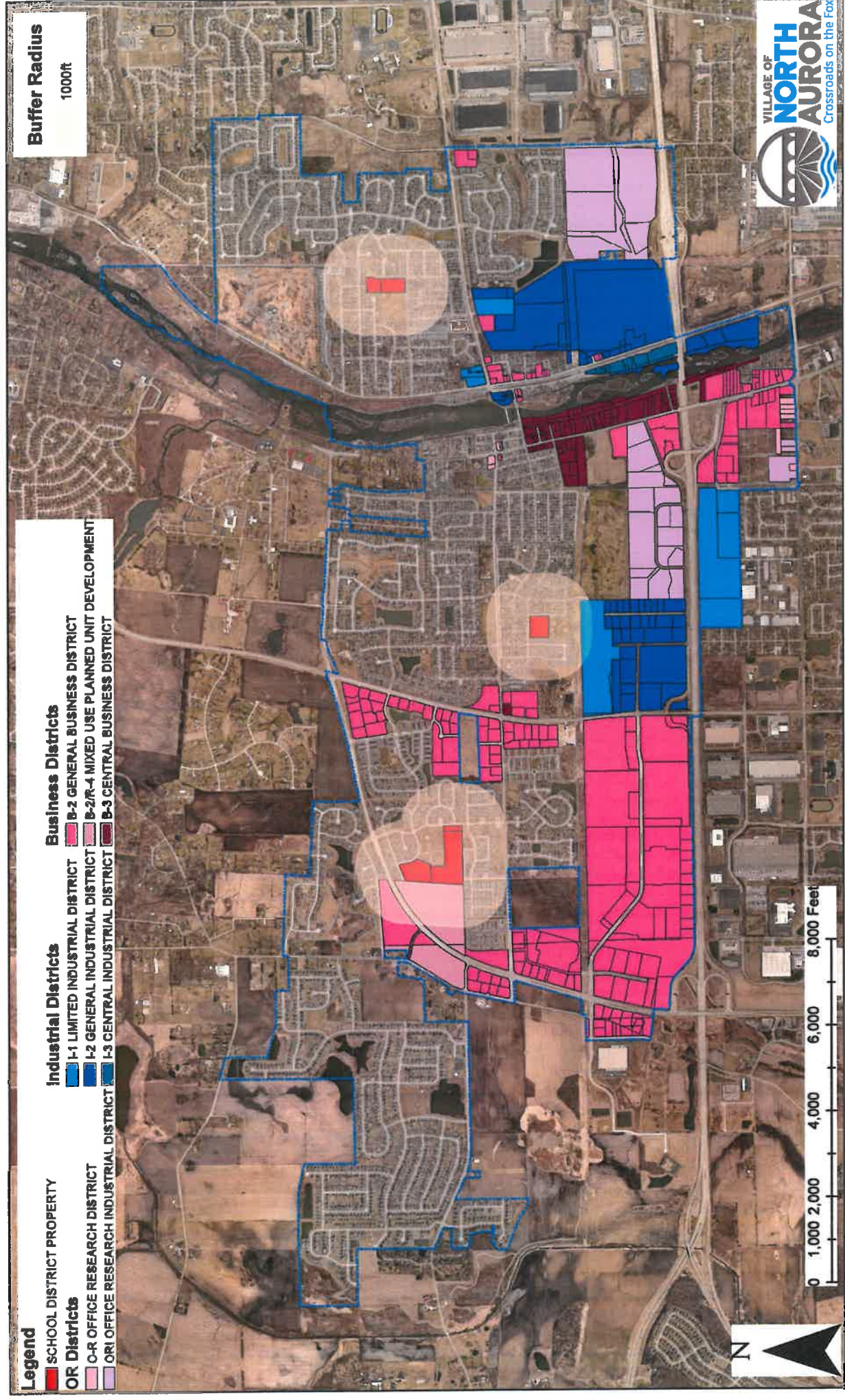
Staff presented a buffer map to the Plan Commission, which included a 1,000 foot setback from existing schools, parks, and day cares. The 1,000 foot setback required of medical cannabis dispensaries and the advertisement of cannabis products was used as the basis for the 1,000 foot buffer. **Staff notes that the medical dispensary setback was removed by the state and is no longer required for establishments that opened after July 1, 2019.**

Outcome – a 1,000 foot buffer is being proposed from recreational cannabis dispensaries to the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older.

Staff notes that the following provisions are also being proposed at this time:

- Cannabis craft growers, cannabis infuser organizations, cannabis processing organizations, and cannabis transporting organizations as special uses in the I-2 – General Industrial District as a special use.
- The prohibition of on-site consumption of cannabis as part of any permitted or conditional use.

Recreational Cannabis Dispensary - 1000ft Buffer from School District Property



**VILLAGE OF NORTH AURORA
PLAN COMMISSION MEETING MINUTES
OCTOBER 1, 2019**

CALL TO ORDER

Chairman Brackett called the meeting to order.

ROLL CALL

In attendance: Chairman Mike Brackett, Co-chairman Jennifer Duncan, Commissioners Mark Rivecco, Connie Holbrook, Mark Bozik, Doug Botkin, Anna Tuohy, Aaron Anderson and Mark Rivecco.

Staff in attendance: Village Administrator Steve Bosco, Community & Economic Development Director Mike Toth and Village Clerk Lori Murray.

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated September 3, 2019

Motion for approval made by Commissioner Lenkart and seconded by Commissioner Bozik. All in favor. **Motion approved.**

PUBLIC HEARING

Chairman Brackett opened the public hearing. There were no audience comments. The public hearing was then closed.

1. Petition #19-07 The Village requests amending Title 17 of the North Aurora Municipal Code (Zoning Ordinance) as follows:

- 1) Title 17.8.2 to allow Recreational Cannabis Dispensaries in the District B-1 – Community Business District, B-2 – General Business District and B-3 – Central Business District as a special use.
- 2) Title 17.9.2 to allow Recreational Cannabis Dispensaries in the I-1 - Limited Industrial District, I-2 – General Industrial District and I-3 – Central Industrial District as a special use.
- 3) Title 17.9.2 to allow Cannabis Craft Growers, Cannabis Infuser Organizations, Cannabis Processing Organizations, and Cannabis Transporting Organizations in the I-2 – General Industrial District as a special use.
- 4) Title 17.10.2 to allow Recreational Cannabis Dispensaries in the O-R -Office and Research District and O-R-I – Office Research and Light Industrial District as a special use.

- 5) Title 17.11.2 to establish buffer requirements for Recreational Cannabis Dispensaries from the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older.
- 6) Title 17.11.2 to prohibit on-site consumption of cannabis as part of any permitted or conditional use.

NEW BUSINESS

1. Petition #19-07 The Village requests amending Title 17 of the North Aurora Municipal Code (Zoning Ordinance) as follows:

- 1) Title 17.8.2 to allow Recreational Cannabis Dispensaries in the District B-1 – Community Business District, B-2 – General Business District and B-3 – Central Business District as a special use.
- 2) Title 17.9.2 to allow Recreational Cannabis Dispensaries in the I-1 - Limited Industrial District, I-2 – General Industrial District and I-3 – Central Industrial District as a special use.
- 3) Title 17.9.2 to allow Cannabis Craft Growers, Cannabis Infuser Organizations, Cannabis Processing Organizations, and Cannabis Transporting Organizations in the I-2 – General Industrial District as a special use.
- 4) Title 17.10.2 to allow Recreational Cannabis Dispensaries in the O-R -Office and Research District and O-R-I – Office Research and Light Industrial District as a special use.
- 5) Title 17.11.2 to establish buffer requirements for Recreational Cannabis Dispensaries from the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older.
- 6) Title 17.11.2 to prohibit on-site consumption of cannabis as part of any permitted or conditional use.

Mike Toth stated that in 2014 the Village adopted Zoning Ordinance provisions that allowed medical dispensaries as a permitted use in all non-residential districts and cultivation centers as a special use in the I-2 District. Medical dispensaries are not allowed in residential districts. At one time there was a 1,000 foot buffer requirement from schools, parks and daycares. That is no longer

the case and any dispensary opening after July 1, 2019 is no longer subject to the provisions of the separation requirement.

The last Plan Commission meeting was held on September 3rd. At that time, discussion centered on several questions from staff:

- 1) Whether they would want to limit the number of recreational cannabis dispensaries?
- 2) If there is a particular zoning district appropriate for recreational cannabis dispensaries?
- 3) Whether recreational cannabis dispensaries should be a permitted or special use?
- 4) Whether the Village should adopt setbacks for setbacks from schools, parks, and day cares?

For the public hearing this evening, staff is proposing recreational cannabis dispensaries in all non-residential zoning districts.

Commissioner Duncan said she would not be averse to keeping the 1,000 foot setback in place. Duncan said that the buffer would be a way to control the number of dispensaries in the Village.

Duncan asked if the Board was firm on not having anything but dispensaries. Toth said that at the last Board meeting, the trustees focused the conversation around the dispensaries. That is not to say that they were not interested in the other uses. Bosco said that since the Village currently has a dispensary in town that is already petitioning to open a recreational dispensary and January 1st is right around the corner. Staff wanted to see how the Board felt about recreational marijuana in general in the community. Bosco said that if anyone wants to come forward and wants to open something that is not permitted, it will still open up the process to make a text amendment to the zoning code.

Commissioner Botkin said that he was fine with not having a buffer because it would be more rigorous than the medical dispensaries. Mike Toth noted that the State regulation requiring the dispensaries to be 1,500 feet apart is still in place as part of the Regulation Tax Act. Toth noted that if the Plan Commission so desired, they could memorialize the 1,500 foot separation in the code, in the event that the state removes it.

Chairman Brackett asked how the Commission felt about memorializing the 1,500 foot setback. Rivecco – in favor, Tuohy – in favor, Anderson – could vote either way, Lenkart – could vote either way, Duncan – in favor, Holbrook – in favor, Bozik – could vote either way, Botkin – in favor. (In favor – 5, either way – 3)

Commissioner Bozik asked if there is still an advertising setback. Toth said yes and that the setback is 1,000 feet for the advertisement of cannabis products. Bozik said that if we keep the 1,000 foot radius, how it would affect home daycares that are licensed by DCFS. Toth said that the buffer map includes those private residences. Bozik said his concern is that someone who is not in favor of the dispensaries could decide to get a license for a daycare which would in turn not allow a dispensary to open in a specific location. Bozik suggested removing the 1,000 foot radius and address this as a special use.

Commissioner Holbrook asked if the 1,500 foot buffer is just between dispensaries. Toth said yes. Holbrook said she is in favor of keeping the 1,000 foot buffer.

Bosco noted that the buffer does not just mean the distance, but the make up as well. The Commission can add residential or remove daycares or parks. It can be designed around what the Village wants.

Commissioner Lenkart asked if staff had determined what the maximum number of dispensaries would be with a 1,000 foot buffer and the 1,500 foot separation versus without the 1,000 foot buffer. Toth said that analyzed the GIS map but did not get an approximate number. Toth then referenced the scale on the map as a way to gauge the potential separation between dispensaries. Toth noted that in working with some groups that are looking to come into town, they are having problems finding properties since the buffers are in place. Lenkart said he didn't think the 1,000 foot buffer was needed and that by dropping that buffer, the potential locations for the dispensaries would not increase. Bosco said that without the buffer, it would open up availability to three commercial areas: Randall Commons (Orchard & Randall), Chesterfield Plaza (Butterfield & Mitchell) and State & 31.

Chairman Brackett said the Commission is struggling with keeping it clean, but not making it difficult for the businesses to succeed.

Commissioner Anderson said he agreed with a lot of what was said and was in agreement that the buffer could be removed. If this is not going to be a permitted use and going to be a special use. State law does a good job setting out what the parameters are. Anderson said in terms of memorializing the 1,500 foot setback, he could go either way and wants to give businesses the full value of state law as it exists. Specifics can still be addressed through the special use process.

Commissioner Tuohy agreed with Commissioner Duncan and was in favor of keeping setbacks. Tuohy said that the residents she has spoken to so far have not been too friendly about the idea of having the dispensaries in town.

Commissioner Rivecco said he was in favor of the buffers being only around schools.

Duncan said we also need to think about property values and how this will affect our homes.

The commission voted on the six items in the petition:

Amendment #1 as written. Motion for approval made by Commissioner Botkin and second by Commissioner Bozik): All vote yes.

Amendment #2 as written. Motion for approval made by Commissioner Bozik and seconded by Commissioner Botkin: All vote yes.

Amendment #3 as written. Motion for approval made by Commissioner Holbrook and seconded by Commissioner Bozik: All vote yes.

Amendment #4 as written. Motion for approval made by Commissioner Duncan and seconded by Commissioner Holbrook: All vote yes.

Amendment #6 as written. Motion for approval made by Commissioner Tuohy and seconded by Commissioner Rivecco: all vote yes.

The Plan Commission was in agreement with items 1, 2, 3, 4 and 6. Further discussion was needed for Amendment #5.

Chairman Brackett asked who would be in favor of dropping the 1,000 foot buffer, with the exception of the four public schools.

Commissioner Botkin said that these items could be addressed through the special use process.

Bozik said if we look at where the schools are and where the parks are, the majority are based in residential areas. The commercial areas are designed to be easy access to get into. Someone coming in, unless they are looking for a problem, will come in, do their shopping and leave. The threat is very minimal. Bozik questioned, "Are we looking to what we could do best or are we trying to appease what we think some of the backlash may be? What other business do we have that we regulate, with the exception of adult bookstores that have regulations like we are trying to place on recreational marijuana?" Toth said, none.

Bozik asked what the radius is for notification for a special use. Toth said 250 feet from the property line. Bozik asked if it would be possible to expand that to 500 or 750 feet for notification. Toth said he was not sure it could be done or would require a separate text amendment. Toth added that it might be a legal question to be able to put that in as a use standard.

Bosco mentioned that since January 1st is the opening for recreational sales, the petitioner would still have to come in for a special use for even their existing location since the chances of them building at a new location by that time is not likely. They plan on opening at the current location and consider moving to another location at a later date.

Commissioner Anderson asked if the 11 findings of fact for a special use is codified. Bosco said yes.

Bosco said that this would go to the Committee of the Whole meeting on October 7th. The Village Board would also look at the suggestions of immortalizing the 1,500 foot rule.

Toth said he will be asking the Village Attorney if there is the ability to get a variance from the buffer requirement.

Duncan noted that she was curious as to what the available locations would look like on the map if there was a 500 foot buffer.

Chairman Brackett asked who could vote to approve if there was no buffer in place. Rivecco – no, Tuohy – no, Anderson – yes, Lenkart – yes, Duncan – no, Holbrook – no, Bozik – yes, Botkin – yes. (No – 4, Yes – 4).

Chairman Brackett asked who could vote to approve if there was a buffer of 500 feet for schools and parks. Rivecco – yes, Tuohy - no, Anderson - no, Lenkart - no, Duncan - yes, Holbrook - yes, Bozik - no, Botkin – no. (No – 5, Yes – 3).

Bozik suggested a 1,000 foot buffer around Goodwin Elementary, Schneider Elementary, Fearn Elementary and Jewel Middle School in North Aurora and drop the buffer on all other areas. Rivecco – yes, Tuohy – yes, Lenkart – no, Duncan – yes, Holbrook – yes, Bozik – yes, Anderson – no, Botkin – no. (No – 3, Yes – 5).

Bosco said that after discussing the issue with the Village Attorney regarding memorializing the 1,500 foot buffer, it can be voted on since the Plan Commission is discussing the topic of marijuana. It can also just be recommend to the Village Board. Bosco said that Attorney Drendel suggested adding it separately in the staff report.

Amendment #7 as proposed. A motion was made by Commissioner Rivecco and seconded by Commissioner Tuohy to memorialize the 1,500-foot buffer between recreational cannabis dispensaries. Rivecco – yes, Tuohy – yes, Anderson – yes, Lenkart – yes, Duncan – yes, Holbrook – yes, Bozik – yes, Botkin – yes. **Motion approved (8-0).**

In reference to Amendment Item #5 of the petition, Chairman Brackett asked for a vote on having a 500 foot buffer in place and a 1,000 foot buffer for the four schools in North Aurora: Goodwin Elementary, Schneider Elementary, Fearn Elementary and Jewel Middle School. Rivecco – yes, Tuohy – yes, Anderson – no, Lenkart – no, Duncan – yes, Holbrook – yes, Bozik – yes, Botkin – no. (Yes – 5, No – 3).

The motion to be put forth before the Village Board:

Amendment #5 as proposed. A motion made by Commissioner Bozik and seconded by Commissioner Holbrook to recommend a 1,000 foot buffer around the four schools: Goodwin, Schneider, Fearn and Jewel in the Village of North Aurora, as the only buffer, and a special use for everything else. **Roll Call Vote:** Botkin – no, Bozik – yes, Holbrook – yes, Duncan – yes, Lenkart – no, Anderson – no, Tuohy – yes, Rivecco – yes. **Motion approved (5-3).**

ADJOURNMENT

Motion to adjourn made by Commissioner Duncan and seconded by Commissioner Botkin. All in favor. **Motion approved.**

Respectfully Submitted,

Lori J. Murray
Village Clerk

**VILLAGE OF NORTH AURORA
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: AURORA BOUNDARY AGREEMENT – ONE YEAR EXTENSION
AGENDA: OCTOBER 7, 2019 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

Staff is in the process of updating the Village's jurisdictional boundary line agreements with Aurora, Batavia and Sugar Grove. On December 20, 1999, the Village Board approved an Ordinance 99-12-20-01, authorizing the execution of a jurisdictional boundary line agreement and an intergovernmental water agreement with the City of Aurora. As the 20-year term is set to expire on December 20, 2019, staff has been working diligently with the City of Aurora to update the boundary line agreement.

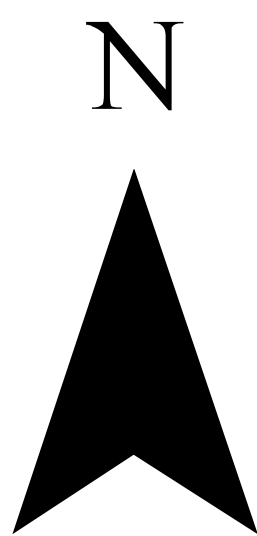
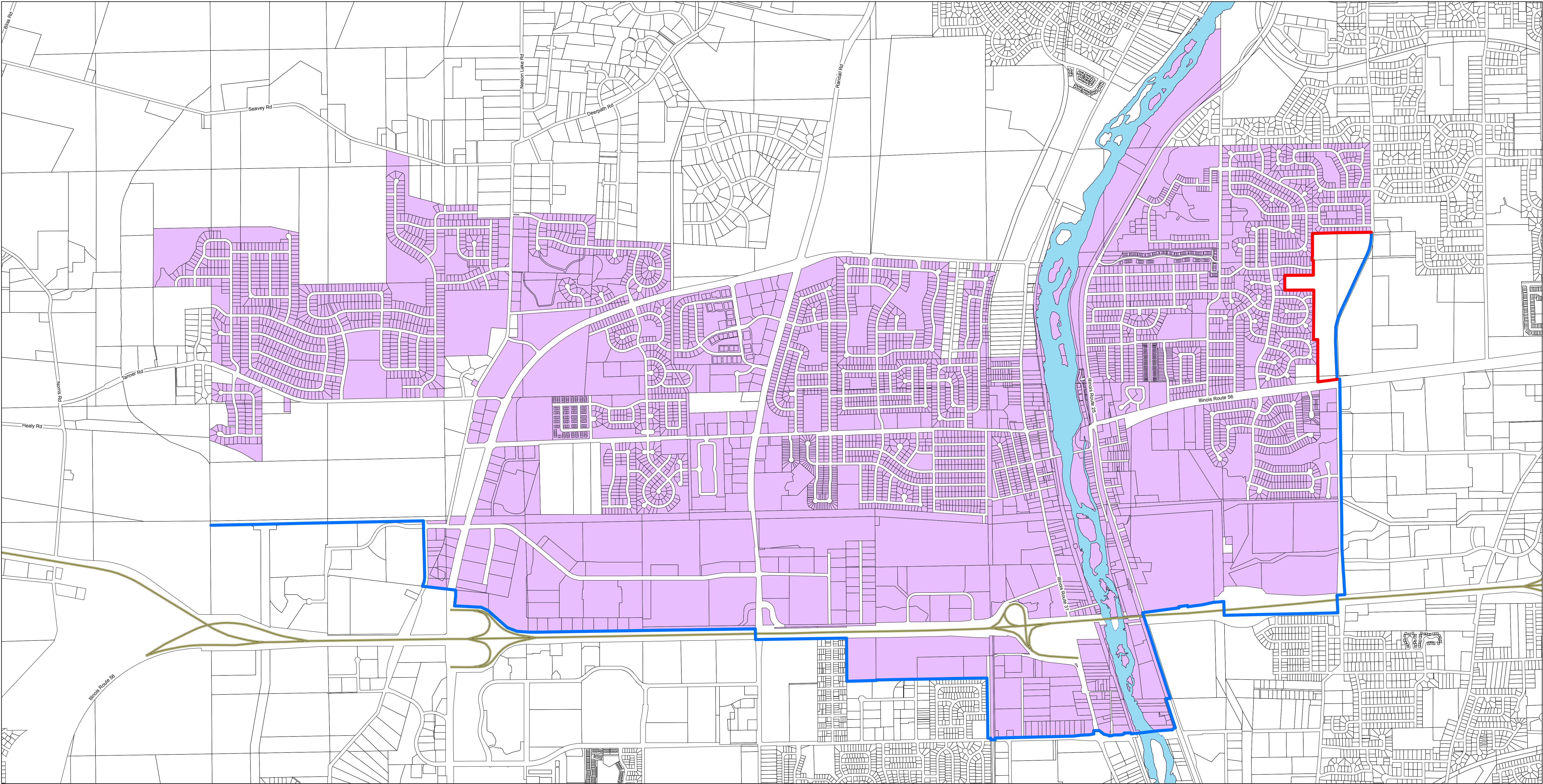
The City of Aurora borders the Village of North Aurora along the southern and eastern limits. While the majority of the land adjacent to the boundary line is already located within the corporate limits of either municipality, the western territory is of importance as there are large unincorporated tracts of land located on either side of the boundary line.

While a majority of the current agreement would be status quo, the City of Aurora has expressed interest in including the Marmion property west of Hart Road into their corporate limits, should the property(s) desire to annex. As the Village and the City of Aurora have several details to discuss regarding the future of the Marmion property west of Hart Road, both sides have agreed to move forward with a one-year extension of the current boundary line agreement. Both sides anticipating bringing the one-year extension, which would extend the agreement until near the end of December 2020. A new 20-year agreement can be passed before the extension expires, should both sides come to an agreement in the upcoming months. An extension provides both sides the opportunity to look more closely at what could happen relative to the Marmion property west of Hart Road, should the City of Aurora be given the future annexation rights to the land and Marmion chooses to annex to the City of Aurora. Most importantly, the Village is currently working with the City of Aurora to discuss potential stormwater management in that area, in the event that the City of Aurora be given the annexation rights to the land in a future boundary line agreement.

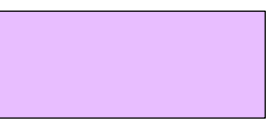
As previously mentioned, the western territory is of importance as there are large unincorporated tracts of land located on either side of the boundary line. The City of Aurora has no obligation to enter into a new boundary agreement; therefore, it should be in the Village's interest to work with the City to come to consensus on a new agreement, solidifying property status along the western boundary.

If a one-year extension of the current agreement is acceptable in the interim, staff will effectively advertise the boundary extension and bring an ordinance back to the Board for consideration.

City of Aurora Existing and Proposed Boundary Line



Legend



North Aurora Parcels



All Other Parcels



Aurora Existing Boundary Line



Proposed Change to Boundary Line



North Aurora GIS - Technologies

Date: 9/30/2019

Memorandum



To: Village President and Village Board of Trustees
From: Steve Bosco, Village Administrator
David Hansen, Administrative/GIS Analyst
Date: 10-3-19
Re: Southwest Fox Valley Cable Consortium Membership

The Village is currently a member of the Southwest Fox Valley Cable Consortium (SWFVCC). The Village has been a member of SWFVCC since its inception in 2002. The SWFVCC currently provides the Village the option to video record municipal meetings and special events, a studio at Waubensee College that residents can utilize, and an avenue to televise Village meetings on a cable PEG access channel for residents, local businesses and local organizations.

Current and Proposed Funding

The current intergovernmental agreement with the SWFVCC from 2002 mentions that each municipality provides 40% of all franchise fees collected annually through their local franchise agreements. The SWFVCC has historically refunded money to the communities when reserves exceeded budgetary needs. However, in 2018 the Village paid \$93,367.79 to the SWFVCC and received no refund to date, although one is anticipated. The SWFVCC recently proposed a new fee structure, which was discussed at the September 16th Committee of the Whole (COW) meeting. The SWFVCC's new proposal would call for a payment from each community of 30% of their franchise fee to the SWFVCC with no expectation of a refund. The SWFVCC would also seek to have the communities institute the pass through amount to each subscriber included in the recently signed contracts to fund capital expenditures. The contract allows a pass-through of 53 cents per subscriber. Below is an average of the Village's past five years with the SWFVCC.

2014-2018	Payments to SWFVCC	Refund	Retained by SWFVCC	Percentage Refunded
Annual Average	\$89,707	\$40,109	\$49,598	45.47%

Potential Options

The Village Board directed staff at the COW meeting on September 16th to explore options regarding recording and broadcasting Village meetings and events. To move forward, staff needs direction from the Village Board regarding broadcasting Village board meetings and if public, educational and governmental (PEG) access is needed in the process. If the Village leaves the SWFVCC the public may lose access to the studio at Waubensee College. Listed below are three potential options that staff has evaluated.

- 1) Current – Village Stays with SWFVCC
 - Record meetings
 - PEG information channel provided through cable providers
 - Record special events
 - Provide public access to studio
- 2) Village Records Meetings (no longer with SWFVCC)
 - Record meetings
 - No PEG information channel provided through cable providers
 - Record special events as wanted
- 3) Village Record Meetings and Utilizes PEG Channel (no longer with SWFVCC)
 - Record meetings
 - Provide PEG information channel provided through cable providers
 - Record special events as wanted

Below is a breakdown of 1st year and 5 year costs for the three options mentioned above.

	Option 1 - SWFVCC	Option 2 - Village	Option 3 - Village
1st Year Costs	\$49,598/\$70,025	\$7,000-\$9,000	\$21,000-\$23,000
Approximate 5 Year Cost	\$247,990-\$350,125	\$23,000-\$33,000	\$37,000-\$47,000

The estimates in the chart above include the following cost breakdowns:

- Option 1 – all equipment and services continues to be provided by the Southwest Fox Valley Cable Consortium
- Option 2 – Village purchases a camera (\$3,000), staff overtime/third party for recording meetings (\$2,000-\$4,000) and special events recording (\$2,000)
 - Cost of camera is only in the first year estimate
- Option 3 – Camera cost (\$3,000), staff overtime (\$2,000-\$4,000), character generation system/equipment (\$14,000) and special events recording (\$2,000)
 - Cost of the camera and character generation system/equipment are only included in the first year estimate

Should the Village choose to leave the SWFVCC, staff would provide a resolution to the Village Board announcing the Village's intention to leave the consortium. The Village is required to provide a 90 day written notice to the consortium of the Village's intention to leave the consortium. Staff also believes the Village is required to pay our financial commitment to the SWFVCC until the end of their fiscal year. Staff estimates that continued commitment will cost approximately \$40,000-\$60,000. Upon the 90 day notice the remaining members of the consortium will have 90 days to determine whether the consortium should continue. Should the consortium dissolve, the Village is unsure it would receive any proportional share of remaining assets.