MINUTES OF A REGULAR MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
December 10, 2019

CALL TO ORDER AND PLEDGE OF ALLEGIANCE
President Troy Parlier called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL
Physically Present: President Troy Parlier and Trustees James Marter, Terry Olson, Pam Parr, Luis Perez, Judy Sollinger and Brian Thomas.
Staff Present: Dan Di Santo, Village Administrator; Christina Burns, AVA/HR Director; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Jennifer Hughes, Public Works Director; Rod Zenner, Community Development Director; Jenette Sturges, Community Engagement Coordinator, Marketing; Joe Renzetti, IT/GIS Manager; Jay Hoover, Building & Zoning Manager; Carrie Parker, Purchasing Manager; Susan Quasney, Project Engineer; Steve Raasch, Facilities Manager; and Karl Ottosen, Village Attorney.

CONSIDERATION OF AND POSSIBLE ACTIONS ON ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING
President Parlier stated Trustee Luis Perez requested the consideration of electronically attending tonight’s meeting. Clerk Touchette confirmed the receipt of an electronic attendance request form from Trustee Luis Perez who was unable to attend because of employment purposes. President Parlier requested the following motion after it was determined there was a quorum:

Motion to Approve Trustee Perez to Electronically Attend the December 10, 2019 Regular Village Board Meeting.

A motion was made by Trustee Marter and seconded by Trustee Sollinger to Approve Trustee Luis Perez to Electronically Attend the December 10, 2019 Regular Village Board Meeting.

Aye: James Marter Terry Olson
   Pam Parr    Judy Sollinger
   Brian Thomas
Nay: None
Absent: Luis Perez
The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

Trustee Luis Perez was approved to electronically attend December 10, 2019 Regular Village Board Meeting at 7:06 p.m. via phone/audio conference.

RECOGNITIONS/APPOINTMENTS
D.1. Oath of Office
   a. Steven J. Lawrence- Sergeant
Chief Burgner briefly spoke of his history and service with the PD. Police Commission Chairperson, retired Police Chiefs and Officers from various departments, Sheriff Baird and family members were in attendance. President Parlier administered the oath of office. His wife pinned his badge on him.

D.2. Employee Service Awards
a. Mark Horton- 10 Years of Service (Finance Department)- Did not attend.

PUBLIC FORUM
Public Forum was opened at 7:15 p.m.

James Marter addressed the Board regarding the cannabis ordinance. Disgusted that Illinois is becoming a drug use State; against facilities that produce or sell; school opt-out option; drug overdoses; it is a gateway drug; black market sales; Village should opt-out. A marijuana fact sheet was provided to the Board.

Jacqueline Muhammad, Outreach Director for Representative Lauren Underwood’s Office, addressed the Board regarding legislative updates. Two offices are located in West Chicago and Woodstock for staff to meet with constituents. Constituents can also speak with staff at the Yorkville Public Library the 4th Thursday of the month from 3pm-6:45pm. Representative Underwood recently held her 14th Town Hall Meeting at the Oswego Fire Department. Staff can assist with Federal red tape; case work; federal grants. She also discussed the committees that Rep. Underwood is part of.

There was no one else who requested to speak; the Public Forum was closed at 7:25 p.m.

STAFF REPORTS
Administrator Dan Di Santo- the Village closed on the amphitheater property. This is the 3 acres by the Park & Ride that was donated to the Village. Staff will be bringing next steps information to the January 14, 2020 Committee of the Whole meeting for discussion.

Director Hughes- completed leaf collection yesterday; staff was assisted by a contractor; incredible job. Tomorrow night is an open house to discuss the next step for the Washington Street pedestrian crossing. Engineers will be attending to answer questions. She presented an award to Chief Burgner. The new Police Headquarters won “Best Green Project in the Midwest” from Engineering News Record. The PD will be moving on to the national competition.

CONSENT AGENDA
G.1. November 19, 2019 Committee of the Whole Minutes
G.2. November 19, 2019 Regular Village Board Minutes
G.4. Ordinance Granting a Minor Amendment to the Planned Unit Development (PUD) for Lot 7 of Gerry Property; Rear Signage for Ivy Rehab Located at 1480 Douglas Road. Ordinance No. 19-65
G.5. Resolution Authorizing Change Order #1 to the Contract with Copenhaver Construction for the Public Improvements of Block 11 in an Amount Not to Exceed $35,000. Resolution No. 19-R-84
G.7. Resolution Adopting Revised Fiscal Year 2020 Salary Ranges (IT Support Specialist); This is the last step in the process. Resolution No. 19-R-86
G.8. 2020 Road Resurfacing Project; more MFT projects will be brought back after staff knows what the numbers will be.
a) Resolution Authorizing the Execution of a Professional Engineering Services Contract with HR Green in an Amount of $22,000 for Preliminary Engineering and 5% of the Awarded Construction Contract for Construction Engineering for the 2020 Pavement Resurfacing Program of Various Streets Utilizing Motor Fuel Tax Funds. **Resolution No. 19-R-87**


A motion was made by Trustee Sollinger and seconded by Trustee Olson to approve the Consent Agenda; Approving the November 19, 2019 Committee of the Whole Minutes; Approving the November 19, 2019 Regular Village Board Minutes; and approving the following ordinances and resolutions:

**Ordinance No. 19-65;** Ordinance Granting a Minor Amendment to the Planned Unit Development (PUD) for Lot 7 of Gerry Property: Rear Signage for Ivy Rehab Located at 1480 Douglas Road.

**Resolution No. 19-R-83;** Resolution Authorizing Release of Closed Session Minutes.

**Resolution No. 19-R-84;** Resolution Authorizing Change Order #1 to the Contract with Copenhagen Construction for the Public Improvements of Block 11 in an Amount Not to Exceed $35,000.

**Resolution No. 19-R-85;** Resolution Approving the Master Professional Services Contract Between the Village of Oswego and Alarm Detection Systems, Inc.

**Resolution No. 19-R-86;** Resolution Adopting Revised Fiscal Year 2020 Salary Ranges (IT Support Specialist); This is the last step in the process.

**Resolution No. 19-R-87;** Resolution Authorizing the Execution of a Professional Engineering Services Contract with HR Green in an Amount of $22,000 for Preliminary Engineering and 5% of the Awarded Construction Contract for Construction Engineering for the 2020 Pavement Resurfacing Program of Various Streets Utilizing Motor Fuel Tax Funds.


Aye: James Marter II  
   Pam Parr  
   Judy Sollinger  
   Terry Olson  
   Luis Perez  
   Brian Thomas

Absent: None

Nay: None

The motion was declared carried by an omnibus roll call vote with six (6) aye votes and zero (0) nay votes.

**BILL LIST**


A motion was made by Trustee Parr and seconded by Trustee Olson to approve the Bill List Dated December 10, 2019 in the Amount of $2,136,187.07.
Aye: James Marter II Terry Olson
   Pam Parr Luis Perez
   Judy Sollinger Brian Thomas
Absent: None
Nay: None
The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

President Parlier noted that a bill list item was missed. A Special Village Board meeting will be held
on Friday, Monday or Tuesday to approve the missed item.

OLD BUSINESS
There was no Old Business.

NEW BUSINESS
Administrator Di Santo addressed the Board regarding cannabis. On June 25, 2019, Governor Pritzker
signed Public Act 101-27 (Cannabis Act) into law: legalizing and regulating production,
consumption, and sale of cannabis in Illinois. Oswego has no control over the legality of cannabis.
The Cannabis Act authorizes the production and distribution of cannabis and cannabis products
through state-licensed cultivators, craft growers, infusers, transporters and dispensaries. Adult Use
Licenses will be granted on a graduated scale. Licenses available for January 1, 2020 will only be
issued to the existing 55 medical cannabis dispensaries; who will be permitted to open a second adult
use dispensary. An additional 75 licenses will be awarded before May 1, 2020. After January 1, 2021,
another 110 licenses will be available. After January 1, 2022, up to 500 licenses will be available.
Cultivators will be capped at 50, craft growers at 100 and infusers at 100. Home grow cannabis is
limited to medical cannabis program participants only.

Staff will be presenting four items for discussion and vote:

1) Police enforcement
2) Changes to the personnel manual
3) Zoning regulations
4) Cannabis tax

     (Cannabis) **Ordinance No. 19-66**

Chief Burgner addressed the Board regarding Police enforcement. Effective January 1, 2020, persons
aged 21 and older may lawfully possess up to 30 grams of cannabis. Consumption of cannabis is
prohibited in public places, schools, childcare facilities and other locations. Municipalities may not
restrict private consumption of cannabis that is authorized in the Cannabis Act. The ordinance
provided eliminates conflicts in the Village code and mirrors what the State signed into law.

- Concerns Regardless of Opt-In or Opt-Out Decision
  - Impaired driving from cannabis use
  - Difficulty identifying levels of THC in the field
  - Increased need for training of DRE (Drug Recognition Expert) Officers
  - Cannabis is currently involved in criminal activities in the Village
  - Expungement process is staff intensive and not easily understood

- Concerns if the Village Decides to Opt-In
  - Allowing cannabis cafés/smoke lounges and allowing smoking cannabis in cannabis
    businesses would allow people to smoke cannabis then drive away immediately
Dispensaries could become target for burglaries

Denver, Colorado 2018 Annual Marijuana Report states less than 1% of businesses are marijuana related but 10% of burglaries in Denver occur at marijuana businesses

Licensing and compliance checks will require staff time to complete

Board and staff discussion focused on whether it is enforced with local rules or State rules; first offense is enforced locally; second offense will likely be enforced by the State; options will be rolled out over the next month; how will Police know where the cannabis was purchased; packaging requirements by the State; will be difficult for the Police Department to know if legal or not; packaging will not be tamperproof; whether more manpower will be needed on the Police side; law lays out expungement period; dealing with an impaired driver will extend the time an Officer is on the case; DUI’s take around 4 hours; cannabis could take 5-6 hours; possession of 31 grams of cannabis is arrestable; can be prosecuted locally. There was no further discussion.

A motion was made by Trustee Sollinger and seconded by Trustee Parr to approve an Ordinance Amending Title 6 Chapter 14 of the Village of Oswego Code of Ordinances. (Cannabis).

Ayes: James Marter II Terry Olson
     Pam Parr Luis Perez
     Judy Sollinger

Nays: Brian Thomas

The motion was declared carried by a roll call vote with five (5) aye votes and one (1) nay vote.

J.2. Resolution Amending the Personnel Policy for the Village of Oswego. (Drug Free Workplace) Resolution No. 19-R-90

Asst. Administrator Burns addressed the Board regarding an amendment to the personnel policy. The Cannabis Act allows municipalities to set reasonable zero-tolerance policies for employee recreational cannabis use. Recreational use of cannabis is currently prohibited for Village employees. The Cannabis Act also prohibits police officers and firefighters from using cannabis while on duty. Employees that operate vehicles under a commercial driver’s license (CDL) still cannot use cannabis at all under the Federal Department of Transportation rules; even for medical purposes. Staff recommended continuing this prohibition into the future.

Board and staff discussion focused on how it affects Village employees; prohibits use for on-duty and off-duty Police Department personnel and those holding a valid CDL license; all others can use while off-duty; all others cannot be prohibited when off-duty; employees have right to negotiate as part of collective bargaining; Federal Department of Transportation controls the CDL regulations; leaving up to the unions to decide during collective bargaining. There was no further discussion.

A motion was made by Trustee Sollinger and seconded by Trustee Parr to approve a Resolution Amending the Personnel Policy for the Village of Oswego. (Drug Free Workplace).

Ayes: James Marter II Terry Olson
     Pam Parr Luis Perez
     Judy Sollinger Brian Thomas

Nays: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

Director Zenner addressed the Board regarding zoning regulations for cannabis. The Cannabis Act preserves local zoning authority, including the right for municipalities to “opt-out” and not allow cannabis businesses in town. If allowed, municipalities may also regulate the time, place, manner, and number of cannabis businesses through a special use permit. The Planning and Zoning Commission reviewed a proposed text amendment outlining the zoning rules and regulations regarding Adult Use Recreational Cannabis at their October 10, 2019 PZC meeting. A summary of the discussion included:

- Definitions of the proposed cannabis-based uses
  - Definitions are based off of State and IML
- Zoning
  - Craft Grower
    - Recommended in M-1 or M-2
  - Dispensing Organization
    - Limited to the sale of cannabis to the general public
    - Recommended in B-2 and B-3 which is similar to where tobacco, liquor and drug stores are located
  - Smoking Lounge and Social Clubs/on premises consumption
    - Recommended the use not be allowed within the Village
- Special Use
  - Recommended the requirements for a Special User Permit
  - Petitioner would come before the Planning and Zoning Commission for a public hearing and recommendation
  - Village Board would make the final decision
- Distance Separation
  - Recommended 250 feet buffer from a school, church, hospital, day care center and parks
  - Distance requirement would not be required if a school, church, hospital, day care center or park were to locate within the buffer area after the cannabis-based business had opened
  - A map showing the 250-foot buffer was provided
- Neighboring Communities
  - Village of Montgomery and United City of Yorkville approved the establishment of dispensaries in their communities
    - Village of Montgomery established a setback of 500 feet between dispensaries and schools, day care centers, parks, and residential uses
    - City of Yorkville established dispensary setbacks of 500 feet from schools, day care centers and parks and 250 feet from residential uses
- Special Districts
  - Dispensaries should be prohibited from the Downtown area
  - Use is not allowed within the area described as future zoning district “Downtown Core” in the 2015 Village Comprehensive Plan
- Hours of Operation
  - Act currently limits the hours of operation for a dispensary from 6:00am to 10:00pm
  - PZC recommended 7:00am on Sunday’s to mimic the Village’s liquor ordinance

Current Area- Medical Dispensaries
- Addison
- Buffalo Grove
- Chicago
- Elmwood Park
- Evanston
- Highland Park
- Homewood
- Joliet
- Justice
- Mokena
- Mount Prospect
- Mundelein
- Naperville
- North Aurora
- Oak Park
- Posen
- Rolling Meadows
- Romeoville
• St. Charles
• Worth

Other Communities
• Aurora
  o No formal discussion has taken place
• Batavia
  o The Mayor says he will veto any ordinance granting a cannabis business license
• Geneva
  o September 23 Board discussion
• Kendall County
  o September COW discussion
• Naperville
  o Will consider “opt-in” Ordinances on September 3
• Montgomery
  o Discussions have begun and will continue over the next couple months
• North Aurora
  o Plan Commission will discuss in September and Village Board review likely in November
• Plainfield
  o September COW Discussion
  o Opted-out
• Plano
  o September 9 COW discussion with a goal to vote on ordinances next month
• Sandwich
  o September 16 COW discussion
  o Opted-in last night
• St. Charles
  o “Opt-In” passed Committee and will be sent to the Plan Commission
• Sugar Grove
  o Planned Board discussion in late September
• Yorkville
  o First read of Ordinance expected on September 10

Board and staff discussion focused on not our fault; Springfield did this; pause before making a decision; motion to table was not seconded; letting other communities do a test run; once the Village opts-in, cannot opt-out; final date on when the decision can be reversed; if opting out, would need to do by referendum after January 1, 2020; no Downtown Zoning District right now; can amend the zoning ordinance as we go along; Downtown expansion; will still be a black market for cannabis; jeopardizing stability for $30,000; will still get revenue from the State; giving up control to everyone else around us; no history yet; rather lead and control; can impose fines; pre-empted by State statute; tough decision without being able to negotiate; appreciated a heads-up if the Board were to put this off; continuing with what is in front of the Board; decision based on best homework and information provided; would be able to re-visit and restrict, in the future, without referendum; worried about Oswego and the kids. There was no further discussion.

A motion was made by Trustee Parr and seconded by Trustee Sollinger to approve an Ordinance Amending Sections 3, 8, and 9 of the Village of Oswego’s Zoning Ordinance Regarding Adult Use Recreational Cannabis.
The motion was declared carried by a roll call vote with five (5) aye votes and one (1) nay vote.


Administrator Di Santo addressed the Board regarding the tax on the sale of cannabis. The State of Illinois will collect revenues from cannabis businesses (taxes and fees), and deposit 8% of all the revenues into the Local Government Distributive Fund (LGDF). The funds will be distributed on a per capita basis; regardless if the local government permits cannabis businesses in their jurisdiction. The revenues are intended to fund crime prevention programs, training and interdiction efforts.

The Cannabis Act allows municipalities, that permit cannabis businesses within their jurisdiction, to impose a Retailers’ Occupation Tax on adult use cannabis products (other than medical cannabis) up to 3%, in 0.25% increments. Under the Cannabis Act, the Illinois Department of Revenue will begin local tax collections on July 1, 2020. In addition to the Municipal Retailers’ Occupation Tax, the 1% local state sales tax also applies to cannabis businesses, as does the Village of Oswego’s 1.25% home rule sales tax (minus the 1.5% state administrative collection fee). If the Village of Oswego permitted cannabis businesses and imposed a local tax at the full 3%, the total local tax on cannabis products could be 5.25%.

The proposed Ordinance was drafted at the 3% maximum allowed by the Cannabis Act. The table below shows the projected local tax generation at various levels of cannabis business revenue:

<table>
<thead>
<tr>
<th>Annual Cannabis Business Revenues</th>
<th>2.25% Local Sales Tax (minus state administrative fee)</th>
<th>3% Cannabis Tax</th>
<th>Total Local Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500,000</td>
<td>$11,081</td>
<td>$15,000</td>
<td>$26,081</td>
</tr>
<tr>
<td>$1,000,000</td>
<td>$22,163</td>
<td>$30,000</td>
<td>$52,163</td>
</tr>
<tr>
<td>$5,000,000</td>
<td>$110,813</td>
<td>$150,000</td>
<td>$260,813</td>
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<td>$10,000,000</td>
<td>$221,625</td>
<td>$300,000</td>
<td>$521,625</td>
</tr>
<tr>
<td>$20,000,000</td>
<td>$443,250</td>
<td>$600,000</td>
<td>$1,043,250</td>
</tr>
</tbody>
</table>

Some Village Board members asked for the local tax estimates using a 2% tax, which is shown in the following table:

<table>
<thead>
<tr>
<th>Annual Cannabis Business Revenues</th>
<th>2% Cannabis Tax</th>
<th>Total Local Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500,000</td>
<td>$10,000</td>
<td>$21,081</td>
</tr>
<tr>
<td>$1,000,000</td>
<td>$20,000</td>
<td>$42,163</td>
</tr>
<tr>
<td>$5,000,000</td>
<td>$100,000</td>
<td>$210,813</td>
</tr>
<tr>
<td>$10,000,000</td>
<td>$200,000</td>
<td>$421,625</td>
</tr>
<tr>
<td>$20,000,000</td>
<td>$400,000</td>
<td>$843,250</td>
</tr>
</tbody>
</table>
Use of Funds
While the Cannabis Act does not stipulate how municipalities can spend the Municipal Retailers’ Occupation Tax, some Village Board members have expressed interest in reserving the use of the funds for specific purposes. As such, the proposed Ordinance limits the use of the funds to police purposes and training, drug awareness curriculum, safety and crime prevention in schools, and legal fee recapture.

Board and staff discussion focused on funds would go to the General Fund; Montgomery and Yorkville taxing at 3%; tax will help law enforcement, buy equipment and assist with testing of subject; helps to off-set costs; whether anyone has applied for a license; only in discussions with; only those with a medical cannabis license can dispense to the general public on January 1, 2020; application period ends in a couple weeks; other communities will be the guinea pigs before Oswego will ever get a license; what procedures are in place for cannabis related DUI’s; looking at partnerships for drawing of blood on the scene.

A motion was made to impose a 2% tax instead of a 3% tax. There was no second motion. The motion failed.

There was no further discussion.

A motion was made by Trustee Parr and seconded by Trustee Sollinger to approve Ordinance Imposing a Municipal Retailers’ Occupation Tax on the Sale of Cannabis in the Village of Oswego as presented.

Aye: Terry Olson Pam Parr
Luis Perez Judy Sollinger
Nay: James Marter II Brian Thomas
The motion was declared carried by a roll call vote with four (4) aye votes and two (2) nay votes.

PRESIDENT’S REPORT
President Parlier thanked everyone for Christmas Walk: estimate of thousands that attended; he attended the Cookie Walk on Saturday.

President Parlier noted the upcoming events:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date/Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington St. Pedestrian Safety Open House</td>
<td>December 11, 2019 (tomorrow)</td>
<td>Village Hall</td>
</tr>
<tr>
<td>Oswego Chamber Electronic Recycling</td>
<td>December 26, 2019</td>
<td>73 W. Van Buren St.</td>
</tr>
<tr>
<td>Chamber is selling 2019 commemorative ornaments featuring the new Veterans Serenity Park; All proceeds will go to the American Legion Post 675</td>
<td>Now through December 16th while supplies last</td>
<td>73 W. Van Buren St.</td>
</tr>
<tr>
<td>Oswego Senior Center Gift Shop</td>
<td>All proceeds benefit programming for area seniors</td>
<td>156 E. Washington St.</td>
</tr>
</tbody>
</table>

He recently ate at Asadoras Argentinas Burgers and heard they are opening an ice cream store soon. He asked that we visit local restaurants.

Merry Christmas.
TRUSTEE REPORTS
Trustee Thomas - Christmas Walk was a phenomenal turnout; enjoyed the singing on the trolley. Merry Christmas, Happy Holidays, Happy New Year.

Trustee Perez - congrats on the Christmas Walk and team; this was the first year he could not attend. Merry Christmas.

Trustee Marter - thank you for Christmas Walk. Merry Christmas.

Trustee Sollinger - had fun at Christmas Walk, Merry Christmas.

Trustee Parr - thanked Julie Hoffman, Jenette Sturges, Corinna Cole, Public Works and the Grinch for all they do for Christmas Walk, Merry Christmas.

Trustee Olson - thanked staff and Public Works.

CLOSED SESSION
There was no Closed Session held.

ADJOURNMENT
A motion was made by Trustee Sollinger and seconded by Trustee Parr to adjourn the meeting; upon a voice vote with all remaining members present voting aye, the meeting was adjourned at 8:36 p.m.

Tina Touchette
Village Clerk