

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.3. Resolution Authorizing Release of Closed Session Minutes. **Resolution No. 19-R-83**
- 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.6. Resolution Approving the Master Professional Services Contract Between the Village of Oswego and Alarm Detection Systems, Inc. **Resolution No. 19-R-85**
- 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.

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- 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**
- b) Resolution for Maintenance Under the Illinois Highway Code in the Amount of \$22,000 for FY20 for the 2020 Pavement Resurfacing Program of Various Streets Utilizing Motor Fuel Tax Funds. **Resolution No. 19-R-88**
- c) Resolution for Maintenance Under the Illinois Highway Code in the Amount of \$578,000 for FY21 for the 2020 Pavement Resurfacing Program of Various Streets Utilizing Motor Fuel Tax Funds. **Resolution No. 19-R-89**

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.
Resolution No. 19-R-88; Resolution for Maintenance Under the Illinois Highway Code in the Amount of \$22,000 for FY20 for the 2020 Pavement Resurfacing Program of Various Streets Utilizing Motor Fuel Tax Funds.
Resolution No. 19-R-89; Resolution for Maintenance Under the Illinois Highway Code in the Amount of \$578,000 for FY21 for the 2020 Pavement Resurfacing Program of Various Streets Utilizing Motor Fuel Tax Funds.

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

H.1. Approve Bill List Dated December 10, 2019 in the Amount of \$2,136,187.07.

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.

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Aye: James Marter II
Pam Parr
Judy Sollinger

Terry Olson
Luis Perez
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

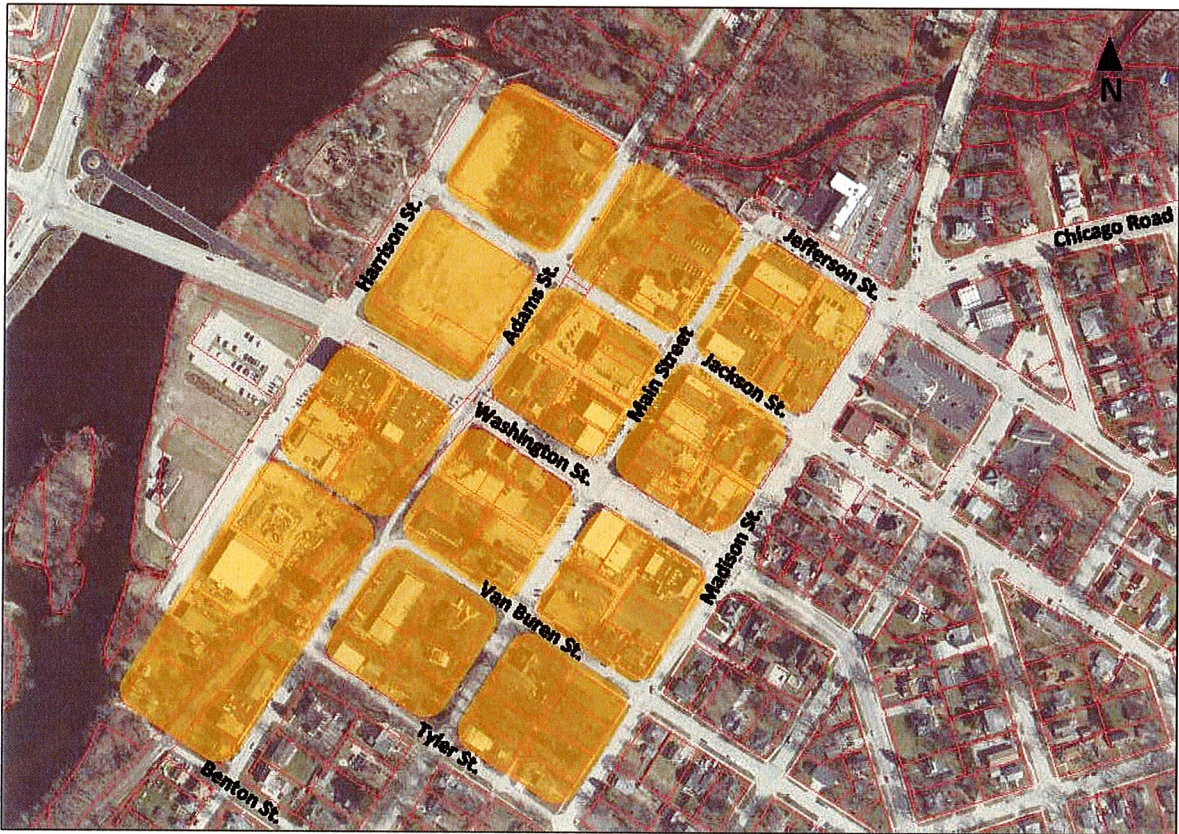
J.1. Ordinance Amending Title 6 Chapter 14 of the Village of Oswego Code of Ordinances.
(Cannabis) **Ordinance No. 19-66**

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

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

Aye: James Marter II
Pam Parr
Judy Sollinger

Terry Olson
Luis Perez

Nay: Brian Thomas

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

J.4. Ordinance Imposing a Municipal Retailers' Occupation Tax on the Sale of Cannabis in the Village of Oswego. **Ordinance No. 19-68**

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:

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

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

Annual Cannabis Business Revenues	2% Cannabis Tax	Total Local Tax
\$500,000	\$10,000	\$21,081
\$1,000,000	\$20,000	\$42,163
\$5,000,000	\$100,000	\$210,813
\$10,000,000	\$200,000	\$421,625
\$20,000,000	\$400,000	\$843,250

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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:

Washington St. Pedestrian Safety Open House	December 11, 2019 (tomorrow)	Village Hall	4:30 PM - 7:00 PM
Oswego Chamber Electronic Recycling	December 26, 2019	73 W. Van Buren St.	9:00 AM - Noon
Chamber is selling 2019 commorative ornaments featuring the new Veterans Serenity Park; All proceeds will go to the American Legion Post 675	Now through December 16 th while supplies last	73 W. Van Buren St.	
Oswego Senior Center Gift Shop	All proceeds benefit programming for area seniors	156 E. Washington St.	Mondays 10am-noon; Thursdays 9am-noon

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.

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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