

**MINUTES OF A REVISED COMMITTEE OF THE WHOLE MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
February 20, 2024**

CALL TO ORDER

President Ryan Kauffman called the meeting to order at 6:01 p.m.

ROLL CALL

Board Members Physically Present: President Ryan Kauffman; Trustees Tom Guist, Kit Kuhrt, Karin McCarthy-Lange, Karen Novy, Jennifer Jones Sinnott, and Andrew Torres.

Staff Physically Present: Dan Di Santo, Village Administrator; Jean Bueche, Asst. Village Administrator; Tina Touchette, Village Clerk; Jason Bastin, Police Chief; Jennifer Hughes, Public Works Director; Andrea Lamberg, Finance Director; Rod Zenner, Development Services Director; Joe Renzetti, IT Director; Bridget Bittman, Community Relations Manager- Marketing; Kevin Leighty, Economic Development Director; Madeleine Trinco, Management Analyst; Julie Hoffman, Special Events Manager; and James Murphy, Village Attorney.

PUBLIC FORUM

Public Forum was opened at 6:02 p.m. There was no one who requested to speak. The public forum was closed at 6:02 p.m.

OLD BUSINESS

There was no old business.

NEW BUSINESS

G.1 Tobacco / Cannabis / Possession Consumption Alcohol Discussion

Chief Bastin addressed the Board regarding tobacco, cannabis, and alcohol.

Tobacco/Cannabis

The Board has previously approved ordinances that restrict the possession of tobacco and cannabis by people that are underage. Since the inception of these ordinances, the problem of youth usage of tobacco and cannabis products has grown exponentially in the Village of Oswego. The ease with which our youth can obtain these items and the way they are ingested, specifically with the use of vapes, are of great concern. The legalization of cannabis in the state has also corresponded to an increased amount of our youth found possessing THC products, specifically in our schools. The use of tobacco and cannabis amongst our youth is climbing towards epidemic proportions. The increased usage is almost exclusively via vape products. The negative long-term health effects of vaping are still unknown. Our efforts to combat vaping in schools has been to issue ordinance tickets to those who were in possession of either nicotine or cannabis. There has been an exponential increase in offenses in Oswego Schools since 2016. Issuing ordinance tickets with a low fine amount has not worked to slow offenses.

School Year	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23
Ticket #'s	0	3	25	45	124	4	81	111

*SY 20/21 shortened by COVID

This school year we collaborated with SD308 to bring an intervention and education element to our youth vape violators enrolled in school. First offense violators of either ordinance now receive psychoeducational intervention by SD308 staff. Second offense violators are referred to law enforcement, and we have partnered with Family

Counseling Services of Oswego to provide another layer of intervention to offenders in lieu of an ordinance ticket. If the violator chooses to attend the intervention class, we pay for the class and no ticket is issued. If the violator refuses to attend the intervention class, we issue a ticket. While this program has only been in place this school year, we are finding that most 2nd offense violators are opting to pay the ordinance ticket versus attending the intervention class. We believe a higher fine amount would encourage violators to attend the intervention class.

The Village's fine amount for these ordinances does not reflect the seriousness of the problem. The Village Board enacted the ordinance fine schedule which includes Class IV violations that are defined as violations determined to be serious offenses implicating or compromising the public health, safety, or welfare of residents or visitors to the Village. These violations come with a first offense penalty of \$250. As an example, fireworks are a serious health and safety concern for our residents, and a Category IV fine. The epidemic of youth vaping is also a health and safety concern for our residents. Additionally, SD308 supports the fines being raised, and actually requested they be raised higher than \$250. Tobacco and Cannabis violations should have a class IV fine schedule.

Consumption of Alcohol by a Minor

The Board has previously reviewed, but did not pass, an ordinance amending Title 3 Chapter 7 Section 22, Alcoholic Beverages: Alcohol Possession or Consumption by Minor. Points made by (former) Chief Burgner at that time:

- An ordinance violation would not appear on a subject's criminal history; however, it would be on record at the Oswego Police Department
 - Same process as Retail Theft violations that are misdemeanors under State statute.
- No other Kendall County Agencies had an ordinance for this offense, and Court Administration was not against Oswego having an ordinance but preferred to stay consistent by using state statute for all offenses in Kendall County.

Currently there is not a Village ordinance that makes consumption or possession of alcohol by a person under the age of twenty-one a violation. The only charging venue for this offense is through State statute. When the Oswego Police Department determines a subject is in possession or has consumed alcohol and is under the age of twenty-one, they arrest the subject and book them at the Oswego Police Department. Depending on the age of the offender, they are either charged with a misdemeanor offense and given a court date (18, 19 and 20 years old) or if they are a minor (under the age of 18 years old) the case is referred to Kendall County Court Services. For a single arrest this is not a significant burden on the Department; however, when the Department encounters a mass group of youths consuming or possessing alcohol under the age of twenty-one, the processing of the arrestees becomes challenging.

Amending the ordinance will allow the option to cite an individual through local ordinance on scene, as opposed to making a custodial arrest and transporting the individual to the Oswego Police Department for booking procedures. The individual would then be turned over to the custody of a parent or guardian if under the age of 18; or released on scene if over the age of 18 but under 21 years of age and not showing significant signs of impairment. This procedure would greatly reduce the amount of time needed to process an individual for such an offense. It would also reduce the potential liability of having intoxicated minors in the holding facility within the Oswego Police Department.

Ordinance

- No arrest
- No booking
- Turned over to parent at scene if under the age of 18 or released on scene if 18 to 20 years old.
- Option to pay the ticket or appear at an adjudication hearing to contest the ticket.

State Statute

- Subject is arrested.

- Subject is booked at PD.
- Criminal records are generated.
- The subject is turned over to a parent if under 18 or released if 18 to 20 years old.
- Subject must appear before a judge if 18 to 20 years old, or report to juvenile probations if under 18 years of age.

Additional Points

- Court Administration has been consulted and is not concerned with Oswego creating an ordinance for this offense.
- The following jurisdictions have an ordinance for possession or consumption of alcohol by a minor:
 - Yorkville – Fine Amount: \$100 - \$500
 - Montgomery – Fine Amount: \$50
 - Plano – Fine Amount: Set by Adjudicator
 - Plainfield – Fine Amount: \$250
 - Aurora – Fine Amount: \$200 - \$500

Board and staff discussion focused on Class IV fine amount is higher; no third or fourth offenders this year; vaping is becoming more common; second offense is \$500; option for counseling; every school year the offenses reset; school district requested not to write so many tickets; state bill may get passed that would not allow the PD to write tickets; wrote 111 tickets last year; wrote six tickets this year; have not had a lot of repeat offenders; offering counseling versus tickets; want the parent to also attend counseling; in-school counseling for first offenders; doing something more beneficial; making the ticket \$500; if the goal is to do counseling, then the higher ticket amount should be worth considering; school district suggested \$350; goal is to not issue a ticket; penalties for selling vapes to minors; selling of cannabis to minors could cost the business their license; not seeing tobacco as the issue; vape and alcohol violations would be separate incidents; program is specific to schools; compare penalties to other communities; violating establishments are paying less in penalties than the minor; haven't encountered a third offense where they could not pay; health problems with vaping; combating vaping is the biggest issue in the schools; other jurisdictions are not doing what Oswego is doing; whether the PD is happy with the counseling; ticketing better than arresting; looked at alternative program. Direction was given for the following:

- 1) Increase fine to higher than \$250
- 2) Amend other ordinance class penalties for tobacco, cannabis and alcohol
- 3) Extending violations to non-students

There was no further discussion.

G.2 Cultural Arts Budget Request Transition Year '24

Special Events Manager and liaison to the Cultural Arts Commission (CAC), Julie Hoffman addressed the Board regarding the CAC budget request and turned over the presentation to the CAC Chairperson, Tony Pastore. CAC members, Bridget Piekarczyk and Katie Marter were also in attendance. Chairperson Pastore presented the following:

2024 Projects

- 1 Downtown Banner Art
- 2 Downtown Mural

Proposed Banner Art Project



Details

- **What:** A partnership with District 308 art teachers, students and the CAC to provide a downtown community art display
- **Who:** Students in grades 5, 8 and 12
- **When:** May 15 – November 1, 2024
- **Where:** On light poles throughout downtown Oswego

Bracket replacement

- | | |
|--|-------------------|
| • Banner Printing: 70; 30" x 60" banners | \$6,500.00 |
| • 30" Banner Brackets: 70 | <u>\$2,500.00</u> |
| | \$9,000.00 |

Anticipated Public Works Labor

- Bracket replacement: 48 hours (6 days of work) x 2 staff members

Proposed Mural Project



Details

- Muralist: Jason Watts
- Location: East facing brick wall at 57 S. Main St.
- Size: Full height of building x 40' wide

Proposed Expenses

- | | |
|----------------------------|-------------------|
| • Artist design and labor: | \$5,900.00 |
| • Composition study: | \$ 700.00 |
| • Paint and supplies: | \$ 600.00 |
| • Priming | \$ 800.00 |
| • Boom lift rental: | <u>\$2,300.00</u> |

TOTAL: \$10,300.00



Board, CAC, and staff discussion focused on important projects to the CAC; art projects on banners; judging the projects for selection; five feet tall piece of art; will bring more foot traffic; labor already included with the hanging and changing of banners; mural will be done by the same artist as the mural at the winery; will be 70 unique participants; this year's theme will be "best in show"; could be themed in the future; participants will be individuals and not groups; no home schooled kids will be included in the project; project handled through the teachers in the schools; could expand to home schooled kids if the Village Board wants to; banners will be changed out every year; years of life on the brackets; CAC will come back every year for a request for funds for the program; whether the banners will be used until they are weathered; banners last at least 6 months; banners given back to the schools; schools will do the voting/judging; CAC will give the schools the deadline of when they need the winners; 70 participants was determined by the number of classrooms and poles in the downtown; divided up by the grades and number of art teachers; great project.

Additional discussion focused on the mural project; current mural at the winery off of the alley; new mural will be located on the other side of the building on the blank wall; will depict the life in the downtown; brightly colored, animated, and very impactful; will be beneficial and attract people; whether a boom lift can be borrowed from another community; sponsors; trading of services; concerns with the mural getting covered up; paint only lasts so long; semi-permanent installation; no plans for the open lot right now; used two years of the budget for bike racks; budget request is for FY24 starting May 1, 2024; CAC was told to come forward for this year's budget discussion; annual budget is \$15,000/year; don't think it's a good place for the mural; whether there is another option or backup location; whether there is a location outside of the downtown; finding a place where stuff isn't in front of the mural; getting the cost for a removable mural; cost of lift; damage to wall; what about a sculpture; in-kind sponsors; previous mural contract was to keep the mural in place for five years; if a building is built on the vacant lot, there would be a 3-5 foot gap between each building; no active proposals for the vacant lot; could take 1-2 years to build a building; mural could be started as early as May 1, 2024; seeing what's in the budget in April; enhancing the downtown; lots of scrutiny on the bike racks; full support of both projects; looking into sponsorships for costs; staying within budget; holding fundraisers; donations for paint and supplies; whether \$15,000 has always been the annual budget; budget was previously \$2,000/year when the CAC was an event oriented commission; it is now an art oriented commission; CAC requests funds each budget year; like the banner project, but have concerns with art on the building; considering art at Venue 1012; Venue 1012 would make sense if another phase was being implemented on the property; would like to see an investment on properties the Village owns; don't think we should look into removable panels; getting involved with events and engaging people; incorporating entire community to paint art onto vinyl and then hang it; doing something seasonally; Trustee will share what she received and where it could be displayed; if removable, then install at the Venue; need to take into consideration the theme; budget for TY24 and then FY25; what fits here will fit somewhere else; like idea of a community project; can look at options; discussing FY25 in the Fall. There was no further discussion.

CLOSED SESSION

There was no closed session.

ADJOURNMENT

The meeting adjourned at 7:08 p.m.

Tina Touchette
Village Clerk