

**MINUTES OF A COMMITTEE OF THE WHOLE MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
March 5, 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; Kevin Leighty, Economic Development Director; Jose Zavala, Chief Building Inspector; and Dave Silverman, 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

E.1 Consider a Request to Increase the Fines of the Violations Contained Inside the Tobacco and Alternative Products Ordinance.

Chief Bastin addressed the Board regarding tobacco and cannabis. On February 20, 2024, the Board discussed raising the fine classifications of both the tobacco and cannabis ordinance to a Class IV fine. A Class IV fine has a first offense fine amount of \$250.00. The Board discussed raising the first offense fine amount higher than \$250.00. The Board also requested the fine amounts for other local jurisdictions and whether the counseling option could be made available for all Oswego residents. Fines by other local jurisdictions are as follows:

- Montgomery: \$25 for tobacco, no cannabis ordinance
- Yorkville: \$75 for tobacco, \$125 for cannabis
- Plano: \$100 for tobacco, \$250 for cannabis
- Aurora: \$100 for tobacco, \$250 for cannabis
- Plainfield: \$250 for tobacco, \$250 for cannabis

Fine Amount

Staff believes that we should keep the fine amount at \$250.00 which will serve the purpose of encouraging juvenile offenders to choose the free counseling option, versus the \$250.00 fine amount. Additionally, the new fine amount is also being applied to adults that sell tobacco to minors. Our tobacco enforcement stings do occasionally produce violations in which we issue an ordinance ticket to a clerk. Typically, the violators merely failed to check an ID, and we have not experienced situations in which clerks are knowingly selling tobacco to minors. We believe a \$250.00 fine for a violator is ample. For the business, however, the Village has other means by which to address violations through the licensing process (hearings, fines, suspensions, revocation, etc.).

Counseling Option

In 2023, the police department wrote a combination of 26 tickets to tobacco and cannabis violators outside of a school setting. Staff agrees with the Board that the counseling program should be made available to Oswego residents, and it will not cause an undue financial burden on the police department.

There was no discussion.

NEW BUSINESS

F.1 Speedway Gas Station Gaming License Requests

Clerk Touchette addressed the Board regarding the video gaming license requests for Speedway. Speedway applied for two of the remaining four gas station video gaming licenses for their locations on Route 30 and on Route 34. Both locations currently hold a Class F-1 liquor license which needs to be re-classified to allow for the video gaming. Both have chosen to reclassify to a Class B-2 which allows for the sale of alcohol for off-premises consumption and for the sale of beer and wine only for on-premises consumption. The Village requires a gaming area to be constructed, with a permanent barrier, with the entrance to the room visible by at least one employee. Speedway intends on constructing gaming rooms at both locations. The room will have a secured door that requires buzzer entry. The layouts, provided in the packet, depict the current and proposed layouts. The Route 34 location will have 5 gaming machines; and the Route 30 location will have 6 gaming machines. Both locations will be required to apply for permits and obtain an occupancy for the gaming rooms.

Matt Priebe, Speedway Representative and Matthew Jones, Accel Entertainment Terminal Operator, were present to answer questions.

Board and staff discussion focused on when each location applied for the gaming license; Route 34 location applied on May 2, 2023, and Route 30 applied on June 7, 2023; where the gaming rooms would be constructed in each location; gaming areas will be well lit; gaming rooms will be the same style as the one at the 7-eleven on Washington Street; gaming room will always be visible by an employee; security room at the Route 34 location will not be used for monitoring the gaming room; line of sight will be from the point of service counter; patrons will be carded prior to being buzzed into the gaming room; Channahon and Peru have a similar set-up; how many gaming terminals that Accel Entertainment has in the Oswego; not for gaming and not in favor of gaming in gas stations; compromised with allowing more gaming at gas stations; gaming and alcohol is restricted near schools; need to be a minimum of 100 feet from schools; this is also a State requirement; no need for an increase in parking spots; met the grandfathering requirements; no large semi parking at the Route 34 location; large semis would be at the Route 30 location. Direction was given to move forward with drafting ordinances for the gaming licenses and re-classification of the liquor licenses. There was no further discussion.

F.2 Building Code Update Discussion

Rod Zenner addressed the Board regarding updates to the building code. In 2011, the Village adopted the 2009 International Building Code and International Residential Building Code, as published by the International Code Council. This Code was adopted with several local amendments that recognized the building requirements that the Village was looking for in construction techniques to guarantee quality construction within the Village. Staff is considering an update to the 2021 regulations. The International Code Council provides updates to the Code regulations every couple of years, but the Village has not updated the Codes as the current set of regulations provided for safe building techniques and the Code updates did not provide substantive changes. Recent versions of the Code updates have been including clarifications to requirements and providing guidance for new techniques of construction. Some of the new Code updates also reflected some of the Village's local amendments. Staff believes it is time to adopt the 2021 version of the Codes. The Council has released the 2024 version of the Code, but staff recommends adopting the 2021 Codes as the building community has been using that version of the Codes for a couple of years and are familiar with their regulations. We did not want to adopt a 2024 Code without knowing that it has been implemented in the field successfully. Staff worked with the Village's contracted building

inspector provider to review the Village's current amended version of the 2009 Code and the 2021 Codes. Most of the 2021 changes provide definitions and clarifications to the 2009 Code. Staff is proposing an update to the 2021 Codes with minimal amendments.

Highlights of Changes in the 2021 Codes vs. the current Codes

Building Code Update

- Temporary Occupancy - the Village's Building Official can provide a temporary occupancy permit where the previous Code required the Village Administrator to provide the permit.
- Appeal – a Code interpretation can be appealed by the petitioner, and it establishes a process for that appeal.
- Sprinklers – sprinklers are required for all new structures no matter the size. The exception is for single-family residential homes. Currently, the Village Code requires sprinklers for multi-family buildings and townhomes that have more than 4 units in the structure. For buildings with 4 units or less, the Village's current code allows them to be constructed without sprinklers if the structure provides additional fire rated separation between the units. Under the 2021 Codes, the Village will require all multi-family units and townhome units to be sprinklered.
 - The building community would prefer to have the option to provide a greater fire separation between the units versus providing the fire sprinklers for townhomes and duplexes. Staff believes that the cost differential between sprinklers versus increased fire separation requirements is not overly restrictive.
- Basement Escape Windows – current code allows basements without escape windows if the home was constructed before 2011. Under the 2021 codes, all homes with basements must provide an escape window.
- Elevator Car –amended to provide a minimum size on an elevator to meet an ambulance stretcher.
- Climatic Table – table has been updated to provide additional information.

Electrical Code Update

- All wiring shall be installed in metal conduit except where permitted by the building official.
- Non-metallic boxes are allowed for outdoor locations.

Plumbing Code Update

The Code references the Illinois Plumbing Code latest edition as the plumbing code for the Village.

Energy Code

The Code references the Illinois Conservation Code latest edition as the energy code for the Village.

Fire Code

The Fire Code adopts the sprinkler requirements as outlined in the Building Code requiring sprinklers for all new buildings and all residential uses other than single-family residential uses.

New Sections

The 2021 Code provides separate sections for swimming pools, existing buildings, and mobile homes. The previous Code incorporated these regulations within the document. The 2021 Code separates these requirements into individual chapters.

Staff has discussed the Code update with the building community to make them aware of any potential changes to their requirements in the future. Staff will continue outreach into the building community to make them aware of the impending update and to address any questions or concerns that they may have. Staff will finalize the draft amendment and bring it back to the Village Board for final adoption at a future date. Several annexation

agreements have language in their agreements that lock the building codes for a period of 6-months. Once adopted, staff will implement the new regulations six months after the date of adoption.

Board and staff discussion focused on biggest change is to sprinklers; following State code with regards to the plumbing code; competitive with the surrounding communities; agree with sprinklers; UDO will be updated separately; remodeling a basement may require an escape window; escape window requirements would not apply to existing homes; concerns with older homes; cost for sprinklers; sprinklers only in certain areas in the home; whether it is a water or chemical sprinkler; sprinklers not required in existing home daycares; some new residential are putting in sprinklers; all commercial is required to be sprinkled; six month waiting period to allow developers to plan for the changes; spoke to Sonoma and Piper Glen about the changes; requirements for remodeling; firewall in addition to sprinklers is not an either/or; if a bedroom is part of a basement remodel, then an escape window is required; if it is only a recreational room, then no escape window is required. Staff will provide the following when the item comes back to the Board for approval:

- Cost estimates
- Cost comparables for firewall versus sprinkler
- Neighboring community comparables

There was no further discussion.

CLOSED SESSION

There was no closed session.

ADJOURNMENT

The meeting adjourned at 6:32 p.m.

Tina Touchette
Village Clerk