

A G E N D A

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, NOVEMBER 25, 2019, AT 6:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, IL, DUPAGE COUNTY, ILLINOIS

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. VISITORS' BUSINESS - Public Comment is Limited to Three Minutes Per Person
5. OMNIBUS VOTE AGENDA:
 - a. Waive Reading of Minutes (APPROVE)
 - b. Minutes - Regular Board Meeting - November 11, 2019 (APPROVE)
 - c. Warrants - \$459,582.14 (APPROVE)
 - d. Motion - A Motion for Board Authorization for Staff to Process Current Delinquent Water Bills in Accordance with Past Practices (PASS)
 - e. Motion - A Motion to Approve the Fiscal Year 2020/21 Budget Schedule (PASS)

NEW BUSINESS

6. ORDINANCE - An Ordinance Providing for the Levy of Taxes for the Fiscal Year Commencing on May 1, 2019 and Ending April 30, 2020, of the Village of Willowbrook, DuPage County, Illinois (PASS)
7. ORDINANCE - An Ordinance Amending Title 11 Entitled "Taxes" of the Village Code of Ordinances to Add Thereto Chapter 9 to Create a Tax on the Privilege of Leasing Non-Residential Property for Long-Term Storage of Personal Property (PASS)
8. ORDINANCE - An Ordinance Amending Section 1-4-2(G) of Chapter 4 Entitled "General Penalty" of Title 1 Entitled "Administrative" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (PASS)

9. ORDINANCE - An Ordinance Amending Title 9, Entitled "Zoning Title of the Village", of the Village of the Willowbrook Municipal Code of the Village of Willowbrook, to Add "Video Gaming Cafe" as a New Permitted Use in the B-2, B-3 and B-4 Zoning Districts, add "Video Gaming Café" as a New Definition and Amend the Current Definition of "Restaurant", and Add New Use Categories "Similar and Compatible Uses" to the B-1, B-2, B-3 and B-4 Zoning Districts (PASS)
10. ORDINANCE - An Ordinance Amending Section 3-12-2 Entitled "Definitions", Section 3-12-5 Entitled "Classifications", and Section 3-12-15 Entitled "Consumption on Premises:" of Chapter 12 Entitled "Liquor", of Title 3 Entitled "Business" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (PASS)
11. ORDINANCE - An Ordinance Amending Section 3-1A-1 of Chapter 1A of Title 3 and Chapter 19A of Title 3 of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (PASS)

PRIOR BUSINESS

12. TRUSTEE REPORTS
13. ATTORNEY'S REPORT
14. CLERK'S REPORT
15. ADMINISTRATOR'S REPORT
16. MAYOR'S REPORT
17. CLOSED SESSION
18. ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, NOVEMBER 11, 2019 AT THE WILLOWBROOK POLICE DEPARTMENT, 7760 QUINCY STREET, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at the hour of 6:30 p.m. by Mayor Frank Trilla.

2. ROLL CALL

Those present at roll call were Mayor Trilla, Trustees Sue Berglund, Umberto Davi, Terrence Kelly, Michael Mistele, and Gayle Neal.

ABSENT: Trustee Paul Oggerino and Clerk Leroy R. Hansen.

Also present were Village Attorney Michael Durkin, Village Administrator Brian Pabst, Deputy Clerk Christine Mardegan, Director of Finance Carrie Dittman, Chief Robert Schaller, Assistant Village Administrator Michael Mertens, Deputy Chief Lauren Kaspar and Superintendent of Public Works Joe Coons.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Superintendent of Public Works Joe Coons to lead everyone in saying the Pledge of Allegiance.

Trustee Oggerino remotely phoned in to attend the meeting.

MOTION: Made by Trustee Davi and seconded by Trustee Berglund to allow Trustee Oggerino to remote into the meeting by telephone as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

4. VISITORS' BUSINESS

Donald Baker and Luz Canino-Baker spoke about how they were upset about trash receptacles on 58th Place, near the Holmes School playground just to the west of the new building adjacent to the street. The public notice of a variance request sent in August 2019 did not clearly state this location as we believed the materials indicated that the site would be on 58th Street. Some of the resident's concerns are a decrease in property values, noise, odor, and the increase of animals/rodents that will be attracted to the garbage. The area resident stated, "We

would like to see the original letter that was sent out and we have the signatures of our neighbors that are concerned as well". Trustee Davi asked, "Have the residents reached out to the school to inquire about the trash receptacle?" The residents did not reach out to the school.

Mayor Trilla said that we will look into this matter.

5. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Board Meeting - October 28, 2019 (APPROVE)
- c. Warrants - \$375,673.39 (APPROVE)
- d. Monthly Financial Report - October 2019 (APPROVE)
- e. RECEIVE PLAN COMMISSION RECOMMENDATION - Public Hearing Case 19-09: Consideration of a petition for text amendments to amend Sections 9-6B-1 (or 9-6B-2), 9-6C-1 (or 9-6C-2) and 9-6D-1 (or 9-6D-2) of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Cafe" as a new permitted or special use in the B-2, B-3 and B-4 Zoning Districts; to amend Section 9-2-2 of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Café" as a new definition and to amend the current definition of "Restaurant"; and to add new use categories in Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code (RECEIVE)
- f. REPORT - Annual Police Pension Board Report (RECEIVE)

Mayor Trilla asked the Board if there were any items to be removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee Davi and seconded by Trustee Kelly to approve the Omnibus Vote Agenda with corrections to the October 28, 2019 minutes to correct the scrivener's errors.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

6. RECEIVE - Concept Designs for the Village of Willowbrook Community Resource Center / Village Board Room at 825 Midway Drive by N. Batistich Architects (RECEIVE)

Assistant Village Administrator Mertens introduced Nick Batistich to present the proposed plans for the Willowbrook Community Center. The building is roughly 7,200 square feet. The concept plans highlight two options for a Village exterior, with and without a canopy sign/pylon at the main entrance, as well as two internal concept layouts. The presentation covered concept layouts and provided room utilization details, sound proofing, lighting, storage, installation of a wall behind the dais, and HVAC design. Trustee Davi asked, "Did you come up with this design based on the needs of the Village?" Nick Batistich said he did. The second lay out is basically the same, but the office is in the front and the warming kitchen in the back of the building. Mayor Trilla felt that the office in front would be better from a safety point of view. Trustee Mistele suggested that the kitchen be in the front by the west side of the building to have access to the parking lot for catering events. Discussion on matching the exterior building, which would include a pylon wall/canopy, to match the other existing buildings in the Village. The original pricing of the build out was \$600,000 to \$650,000 for the interior, not counting FF&E, audio/video enhancements and the dais area. If the exterior is added, the price could go up to \$85,000 to \$90,000. There were questions on if the dais could be set up differently, in a more u-shaped form? The Board was advised that this was a concept layout and the dais design would be performed by others. The Board consensus was that the building exterior should be uniform throughout the Village, with a pylon sign (moved to the north of the entrance) and canopy entrance, the office should be in the front of the building and the kitchen in the back. Trustee Mistele commented that there are additional fees that the board needs to consider.

Assistant Administrator Mertens stated that furniture, fixtures, and equipment, the dais, audio, video, phone, internet, and signage is not included in the pricing or design scope of service.

Trustee Davi asked, "What happens next? Do we wait for the RFPs to come in?" Administrator Pabst related that they will gather all the data and have an engineer review. Additional information will be presented to the Village Board as staff finalizes further details.

7. ORDINANCE - An Ordinance Amending Section 3-12-5 Entitled "Classifications," of Chapter 12 Entitled "Liquor," of Title 3 Entitled "Business" of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (PASS)

Assistant Village Administrator Mertens stated that The Kerry Piper has closed and this ordinance will automatically reduce the number of liquor licenses available in that category by one. The ordinance will be designed to reduce other liquor licenses automatically whenever a business closes, the license is revoked, suspended or terminated by dormancy. Staff recommends that the Village consider this ordinance amendment as presented.

MOTION: Made by Trustee Kelly and seconded by Trustee Berglund to adopt Resolution No. 19-O-28 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

8. RESOLUTION - A Resolution Approving and Authorizing the Mayor and Village Clerk to Execute an Agreement with N.J. Ryan Tree & Landscaping, LLC to Provide Snow Removal and Salting Services for the 2019/2020 Winter Season in the Village of Willowbrook (ADOPT)

Superintendent of Public Works Coons stated that after receiving quotes from various contractors the staff recommends that N.J. Ryan would be the best choice due to their ability to spread salt, their staff size and providing the most competitive hourly rates.

MOTION: Made by Trustee Mistele and seconded by Trustee Kelly to adopt Resolution No. 19-R-58 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

9. RESOLUTION - A Resolution Approving and Authorizing the Purchase of Two (2) 2019 Ford F-350 XL 4X2 Pick-Up Trucks, Excluding Service Bodies, from Willowbrook Ford/Kia, Inc. at a Total Cost Not-To-Exceed \$60,874.00 Plus Extended Warranties in the Amount of \$3,625.00 Per Vehicle (ADOPT)

Superintendent of Public Works Coons stated that the department needs to replace two older vehicles with high mileage. The base warranty covers 3-years and 36,000-miles. A 7-year 60,000- mile warranty with no deductible was recommended by Trustee Kelly and is priced at \$3,625.00 per vehicle. Trustee Davi asked, "Who will put the bed on?" Superintendent of Public Works Coons replied that another company will add the beds and further discussion will be at another meeting.

MOTION: Made by Trustee Davi and seconded by Trustee Berglund to adopt Resolution No. 19-R-59 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

10. TRUSTEE REPORTS

Trustee Neal had no report.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Berglund had no report.

Trustee Davi had no report.

Trustee Oggerino had no report.

11. ATTORNEY'S REPORT

Attorney Durkin had no report.

12. CLERK'S REPORT

Deputy Clerk Mardegan had no report.

13. ADMINISTRATOR'S REPORT

Administrator Pabst had no report.

14. MAYOR'S REPORT

Mayor Trilla reported there is a veto session going on in Springfield and there are several bills that we are watching.

15. CLOSED SESSION

Mayor Trilla stated that there was no need for Closed Session during tonight's meeting.

16. ADJOURNMENT

MOTION: Made by Trustee Mistele and seconded by Trustee Davi, to adjourn the Regular Meeting at the hour of 7:20 p.m.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

_____, 2019.

Frank A. Trilla, Mayor

Minutes transcribed by Deputy Clerk Christine Mardegan.

W A R R A N T S

November 25, 2019

GENERAL CORPORATE FUND	-----	\$158,051.36
WATER FUND	-----	\$21,637.15
HOTEL/MOTEL TAX FUND	-----	\$5,906.99
MOTOR FUEL TAX FUND	-----	3,714.64
DEBT SERVICE FUND	-----	270,272.00
 TOTAL WARRANTS	-----	 \$459,582.14

Carrie Dittman, Director of Finance *C.D.*

APPROVED:
Frank A. Trilla, Mayor

Check	Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND								
11/26/2019		APCH	94969	ARAMARK UNIFORMS SERVICES	UNIFORMS	710-345	35	31.31
11/26/2019		APCH	94970	AXON ENTERPRISE, INC	AMMUNITION	630-346	30	1,400.00
11/26/2019		APCH	94971	B & E AUTO REPAIR & TOWING	MAINTENANCE - VEHICLES	630-409	30	1,335.36
11/26/2019		APCH	94972	BOY SCOUTS OF AMERICA	CADET PROGRAM	630-308	30	472.00
11/26/2019		APCH	94973*#	BS & A SOFTWARE	EDP LICENSES	615-263	25	11,945.00
11/26/2019		APCH	94974	CALIBRE PRESS	TUITION REIMBURSEMENT	630-305	30	189.00
11/26/2019		APCH	94975	CALL THE UNDERGROUND OASIS IRRIG	MAINTENANCE - BUILDINGS - HVAC	630-228	30	150.00
11/26/2019		APCH	94976#	CHICAGO SUN-TIMES, INC	PRINTING & PUBLISHING	510-302	15	212.00
					PRINTING & PUBLISHING	610-302	25	798.00
					CHECK APCHK 94976 TOTAL FOR FUND 01:			1,010.00
11/26/2019		APCH	94977	CHOICE OFFICE EQUP & SUPPLIES IN	COPY SERVICE	455-315	10	629.89
11/26/2019		APCH	94978	CHRISTINE MARDEGAN	FUEL/MILEAGE/WASH	455-303	10	18.56
11/26/2019		APCH	94979#	CHRISTOPHER B. BURKE	PLAN REVIEW - ENGINEER	520-254	15	249.10
					PLAN REVIEW - ENGINEER	520-254	15	248.11
					PLAN REVIEW - ENGINEER	520-254	15	110.00
					PLAN REVIEW - ENGINEER	520-254	15	110.00
					PLAN REVIEW - ENGINEER	520-254	15	220.00
					FEES - ENGINEERING	720-245	35	110.00
					FEES - ENGINEERING	720-245	35	260.00
					PLAN REVIEW - CIVIL ENGINEER - REIMB	820-254	40	1,347.36
					PLAN REVIEW - CIVIL ENGINEER - REIMB	820-254	40	110.00
					PLAN REVIEW - CIVIL ENGINEER - REIMB	820-254	40	300.00
					CHECK APCHK 94979 TOTAL FOR FUND 01:			3,064.57
11/26/2019		APCH	94980	CINTAS CORPORATION NO 2	MAINTENANCE - PW BUILDING	725-418	35	63.62
11/26/2019		APCH	94981*#	COMED	RED LIGHT - COM ED	630-248	30	35.67
					RED LIGHT - COM ED	630-248	30	42.17
					RED LIGHT - COM ED	630-248	30	42.60
					ENERGY - STREET LIGHTS	745-207	35	89.23
					ENERGY - STREET LIGHTS	745-207	35	442.36
					ENERGY - STREET LIGHTS	745-207	35	47.83
					CHECK APCHK 94981 TOTAL FOR FUND 01:			699.86

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
11/26/2019	APCH	94982#	DISCOVERY BENEFITS SIMPLIFY	EMP DED PAY - FSA FEE HEALTH/DENTAL/LIFE INSURANCE	210-221 455-141	00 10	49.92 0.08
				CHECK APCHK 94982 TOTAL FOR FUND 01:			50.00
11/26/2019	APCH	94983	DMACT SERVICES, INC.	EXAMS - WRITTEN	440-542	07	2,000.00
11/26/2019	APCH	94985#	DUPAGE COUNTY PUBLIC WORKS	SANITARY (835 MIDWAY) SANITARY (825 MIDWAY) SANITARY USER CHARGE - PARKS SANITARY (7760 QUINCY) SANITARY USER CHARGE	466-251 570-250 570-278 630-250 725-417	10 20 20 30 35	21.12 4.16 29.60 203.44 16.88
				CHECK APCHK 94985 TOTAL FOR FUND 01:			275.20
11/26/2019	APCH	94986	EDWARD ROMPA	EXAMS - WRITTEN	440-542	07	500.00
11/26/2019	APCH	94987	FALCOO'S LANDSCAPING INC	CONTRACTED MAINTENANCE CONTRACTED MAINTENANCE	570-281 570-281	20 20	2,000.00 2,000.00
				CHECK APCHK 94987 TOTAL FOR FUND 01:			4,000.00
11/26/2019	APCH	94988	FIRESTONE TIRE & SERVICE	MAINTENANCE - VEHICLES - 12 TIRES	630-409	30	1,570.08
11/26/2019	APCH	94989	FOX TOWN PLUMBING INC	LANDSCAPE MAINTENANCE SERVICES	565-342	20	2,380.80
11/26/2019	APCH	94990	GEWALT HAMILTON ASSOCIATES INC	PLAN REVIEW - TRAFFIC CONSULTANT - RE	520-258	15	391.50
				STORM WATER IMPROVEMENTS MAINTENANCE STORM WATER IMPROVEMENTS MAINTENANCE	750-381 750-381	35 35	4,387.50 3,400.00
				CHECK APCHK 94991 TOTAL FOR FUND 01:			7,787.50
11/26/2019	APCH	94991*#	H AND R CONSTRUCTION INC.	MAINTENANCE - BUILDING MAINTENANCE - VEHICLES	466-228 735-409	10 35	38.74 129.87
				CHECK APCHK 94992 TOTAL FOR FUND 01:			168.61
11/26/2019	APCH	94993	HR SIMPLIFIED	HEALTH/DENTAL/LIFE INSURANCE	455-141	10	100.00
11/26/2019	APCH	94995	INTERNATIONAL ASSOC OF FINANCIAL	FEES/DUES/SUBSCRIPTIONS	630-307	30	80.00
11/26/2019	APCH	94996	J. P. COOKE CO.	OFFICE SUPPLIES	810-301	40	91.25
11/26/2019	APCH	94997	JOHN J. HANDZIK	UNIFORMS	630-345	30	291.77
11/26/2019	APCH	94998	JOHN M. CARFINO	EXAMS - WRITTEN	440-542	07	500.00
11/26/2019	APCH	94999	KERRI STOCKTON	CHILDREN'S HOLIDAY PARTY	585-155	20	225.00

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
				FUEL/MILEAGE/WASH	630-303	30	325.00
11/26/2019	APCH	95000	KING CAR WASH		630-315	30	57.46
				COPY SERVICE	630-315	30	339.99
				COPY SERVICE	810-315	40	283.51
				COPY SERVICE			680.96
11/26/2019	APCH	95001#	KONICA MINOLTA BUSINESS SOLUTION	COPY SERVICE	630-345	30	301.93
11/26/2019	APCH	95004	MAGIC OF GARY KANTOR	CHILDREN'S HOLIDAY PARTY	585-155	20	325.00
11/26/2019	APCH	95006	MID AMERICAN WATER	STORM WATER IMPROVEMENTS MAINTENANCE	750-381	35	630.00
11/26/2019	APCH	95007#	MIDCO	PHONE - TELEPHONES EDP LICENSES	455-201 615-263	10 25	1,682.00 570.00
				CHECK APCH 95007 TOTAL FOR FUND 01:			2,252.00
11/26/2019	APCH	95008	MOTOROLA SOLUTIONS INC	PHONE - TELEPHONES	630-201	30	102.00
11/26/2019	APCH	95009	MUNICIPAL CLERKS OF DUPAGE CNTY	SCHOOLS/CONFERENCES/TRAVEL	410-304	05	30.00
11/26/2019	APCH	95010	N. BATISTICH ARCHITECTS	BUILDING IMPROVEMENTS	485-602	10	3,650.00
11/26/2019	APCH	95011	NCPERS GROUP LIFE INSURANCE	EMP DED - SUPPLEMENTAL LIFE INSURANCE	210-213	00	80.00
11/26/2019	APCH	95012#	NJ RYAN TREE & LANDSCAPE LLC	LANDSCAPE MAINTENANCE SERVICES	565-342	20	6,600.00
				LANDSCAPE MAINTENANCE SERVICES	565-342	20	7,950.00
				LANDSCAPE MAINTENANCE SERVICES	565-342	20	6,375.00
				LANDSCAPE MAINTENANCE SERVICES	565-342	20	3,450.00
				LANDSCAPE MAINTENANCE SERVICES	565-342	20	7,575.00
				STREET & ROW MAINTENANCE	750-328	35	3,450.00
				TREE MAINTENANCE	750-338	35	6,562.50
				TREE MAINTENANCE	750-338	35	3,600.00
				TREE MAINTENANCE	750-338	35	6,075.00
				TREE MAINTENANCE	750-338	35	5,775.00
				CHECK APCH 95012 TOTAL FOR FUND 01:			57,412.50
11/26/2019	APCH	95013	OCCUPATIONAL HEALTH CENTERS	EXAMS - PHYSICAL - WIJAS	440-543	07	307.00
11/26/2019	APCH	95014	OTHELLO ROSAL	UNIFORMS	630-345	30	118.79
11/26/2019	APCH	95015	PAPER DIRECT	OFFICE SUPPLIES	455-301	10	47.98
11/26/2019	APCH	95016	POMP'S TIRE SERVICE INC	MAINTENANCE - VEHICLES	735-409	35	456.77
11/26/2019	APCH	95017	R.E. WALSH & ASSOCIATES INC	MAINTENANCE - STREET LIGHTS	745-223	35	555.56

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
11/26/2019	APCH	95018	RAGS ELECTRIC, INC	MAINTENANCE - STREET LIGHTS	745-223	35	1,113.15
11/26/2019	APCH	95019	RAY O'HERRON CO., INC.	UNIFORMS	630-345	30	8.95
				UNIFORMS	630-345	30	221.98
				UNIFORMS	630-345	30	109.98
				UNIFORMS	630-345	30	435.25
				UNIFORMS	630-345	30	30.00
				CHECK APCHK 95019 TOTAL FOR FUND 01:			806.16
11/26/2019	APCH	95020	RUSSO'S POWER EQUIPMENT	OPERATING EQUIPMENT	755-401	35	257.98
11/26/2019	APCH	95021#	SATELLITE PHONE STORE	PHONE - TELEPHONES	455-201	10	65.76
				PHONE - TELEPHONES	630-201	30	65.76
				CHECK APCHK 95021 TOTAL FOR FUND 01:			131.52
11/26/2019	APCH	95022#	STAPLES	COMMISSARY PROVISION	455-355	10	123.87
				OFFICE SUPPLIES	610-301	25	143.08
				CHECK APCHK 95022 TOTAL FOR FUND 01:			266.95
11/26/2019	APCH	95023	SUBURBAN DOOR CHECK & LOCK SERVI	OPERATING EQUIPMENT	755-401	35	13.65
11/26/2019	APCH	95024	T.P.I.	PLAN REVIEW - BUILDING CODE	820-258	40	10,243.00
				PLAN REVIEW - BUILDING CODE	820-258	40	5,123.01
				PART TIME - INSPECTOR	830-109	40	3,780.00
				PLUMBING INSPECTION	830-115	40	550.00
				CHECK APCHK 95024 TOTAL FOR FUND 01:			19,696.01
11/26/2019	APCH	95025#	TAMING GRADING	LANDSCAPE MAINTENANCE SERVICES	565-342	20	450.00
				BALLFIELD MAINTENANCE/SUPPLIES	570-280	20	450.00
				STREET & ROW MAINTENANCE	750-328	35	3,780.00
				STORM WATER IMPROVEMENTS MAINTENANCE	750-381	35	1,755.00
				CHECK APCHK 95025 TOTAL FOR FUND 01:			6,435.00
11/26/2019	APCH	95026	TAMING INDUSTRIES	STREET & ROW MAINTENANCE	750-328	35	36.68
				STREET & ROW MAINTENANCE	750-328	35	72.00
				STORM WATER IMPROVEMENTS MAINTENANCE	750-381	35	637.20
				STORM WATER IMPROVEMENTS MAINTENANCE	750-381	35	1,135.20
				STORM WATER IMPROVEMENTS MAINTENANCE	750-381	35	528.66
				CHECK APCHK 95026 TOTAL FOR FUND 01:			2,409.74

Check	Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND								
11/26/2019		APCH	95027	THOMPSON ELEV. INSPECT. SERVICE	ELEVATOR INSPECTION	830-117	40	100.00
11/26/2019		APCH	95028	THOMSON REUTERS - WEST	FEES/DUES/SUBSCRIPTIONS	630-307	30	173.43
11/26/2019		APCH	95029	TIMOTHY GRIFFIN	EXAMS - WRITTEN	440-542	07	500.00
11/26/2019		APCH	95030	TOM & JERRY'S SHELL SERVICES	MAINTENANCE - VEHICLES	735-409	35	1,908.59
11/26/2019 APCH 95032*# VERIZON WIRELESS								
				PHONE - TELEPHONES	PHONE - TELEPHONES	410-201	05	56.71
				PHONE - TELEPHONES	PHONE - TELEPHONES	455-201	10	47.25
				PHONE - TELEPHONES	PHONE - TELEPHONES	630-201	30	1,048.92
				TELEPHONES	TELEPHONES	710-201	35	141.77
				TELEPHONES	TELEPHONES	810-201	40	197.32
				CHECK APCHK 95032 TOTAL FOR FUND 01:				1,491.97
11/26/2019 APCH 95033# WAREHOUSE DIRECT								
				OFFICE SUPPLIES	OFFICE SUPPLIES	455-301	10	40.77
				OFFICE SUPPLIES	OFFICE SUPPLIES	455-301	10	12.18
				OFFICE SUPPLIES	OFFICE SUPPLIES	455-301	10	37.77
				OFFICE SUPPLIES-CREDIT MEMO	OFFICE SUPPLIES	455-301	10	(11.24)
				OFFICE SUPPLIES	OFFICE SUPPLIES	610-301	25	40.24
				PRINTING & PUBLISHING	PRINTING & PUBLISHING	630-302	30	71.10
				UNIFORMS-NORTH FACE SHIRTS	UNIFORMS-NORTH FACE SHIRTS	630-345	30	1,221.04
				OPERATING EQUIPMENT	OPERATING EQUIPMENT	630-401	30	108.74
				OPERATING EQUIPMENT	OPERATING EQUIPMENT	630-401	30	263.72
				OPERATING EQUIPMENT	OPERATING EQUIPMENT	630-401	30	8.87
				OFFICE SUPPLIES	OFFICE SUPPLIES	810-301	40	12.18
				CHECK APCHK 95033 TOTAL FOR FUND 01:				1,805.37
11/26/2019 APCH 95034 WBK ENGINEERING LLC								
				PLAN REVIEW - PLANNER	PLAN REVIEW - PLANNER	520-257	15	8,828.44
				PLAN REVIEW - PLANNER	PLAN REVIEW - PLANNER	520-257	15	2,244.00
				PLAN REVIEW - PLANNER	PLAN REVIEW - PLANNER	520-257	15	867.00
				CHECK APCHK 95034 TOTAL FOR FUND 01:				11,939.44
11/26/2019 APCH 95035 WESTOWN AUTO SUPPLY COMPANY								
				MAINTENANCE - VEHICLES	MAINTENANCE - VEHICLES	735-409	35	206.03
				MAINTENANCE - VEHICLES VIN 2736	MAINTENANCE - VEHICLES VIN 2736	630-409	30	100.00
				Total for fund 01 GENERAL FUND				158,051.36

11/20/2019 12:09 PM
User: DSCHMIDT
DB: Willowbrook

CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK
CHECK DATE FROM 11/13/2019 - 11/26/2019

Check	Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 02 WATER FUND								
11/26/2019	APCH	94973*	#	BS & A SOFTWARE	EDP LICENSES	417-263	50	1,055.00
11/26/2019	APCH	94981*	#	COMED	ENERGY - ELECTRIC PUMP	420-206	50	779.64
11/26/2019	APCH	94991*	#	H AND R CONSTRUCTION INC.	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	4,025.00
11/26/2019	APCH	95002		LA FASTENERS INC	MATERIAL & SUPPLIES - DISTRIBUTION	430-476	50	38.57
					MATERIAL & SUPPLIES - DISTRIBUTION	430-476	50	94.17
					CHECK APCHK 95002 TOTAL FOR FUND 02:			132.74
11/26/2019	APCH	95031*	#	UMB BANK N.A.	INTEREST EXPENSE	449-102	50	4,703.00
					BOND PRINCIPAL EXPENSE	449-104	50	10,800.00
					CHECK APCHK 95031 TOTAL FOR FUND 02:			15,503.00
11/26/2019	APCH	95032*	#	VERIZON WIRELESS	PHONE - TELEPHONES	401-201	50	141.77
					Total for fund 02 WATER FUND			21,637.15

11/20/2019 12:09 PM
User: DSCHMIDT
DB: Willowbrook

CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK
CHECK DATE FROM 11/13/2019 - 11/26/2019

Check	Date	Bank	Check #	Payee	Description	Account	Dept	Amount
					Fund: 03 HOTEL/MOTEL TAX FUND			
11/26/2019	APCH	94984	DUPAGE CONVENTION		ADVERTISING - DCVB	435-317	53	5,606.99
11/26/2019	APCH	94994	ILLINOIS ROUTE 66 SCENIC BYWAY I		FEES DUES SUBSCRIPTIONS	401-307	53	300.00
					Total for fund 03 HOTEL/MOTEL TAX FUND			5,906.99

11/20/2019 12:09 PM
User: DSCHMIDT
DB: Willowbrook

CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK
CHECK DATE FROM 11/13/2019 - 11/26/2019

Check	Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 04 MOTOR FUEL TAX FUND								
11/26/2019	APCH	94992*	#	HOME DEPOT CREDIT SERVICES	STREET MAINTENANCE CONTRACT	430-684	56	33.46
11/26/2019	APCH	95005		MEADE ELECTRIC COMPANY	STREET MAINTENANCE CONTRACT	430-684	56	3,681.18
Total for fund 04 MOTOR FUEL TAX FUND								3,714.64

11/20/2019 12:09 PM
User: DSCHMIDT
DB: Willowbrook

CHECK DISBURSEMENT REPORT FOR VILLAGE OF WILLOWBROOK
CHECK DATE FROM 11/13/2019 - 11/26/2019

Page 9/9

Check	Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 11 DEBT SERVICE FUND								
11/26/2019	APCH	95031*	#	UMB BANK N.A.	BOND PRINCIPAL EXPENSE	550-401	70	214,200.00
					BOND INTEREST EXPENSE	550-402	70	56,072.00
					CHECK APCHK 95031 TOTAL FOR FUND 11:			<hr/> 270,272.00
					Total for fund 11 DEBT SERVICE FUND			270,272.00
					TOTAL - ALL FUNDS			459,582.14

*'-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE FUND

#'-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE DEPARTMENT



Willowbrook

5d

835 Midway Drive
Willowbrook, IL 60527-5549

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

November 01, 2019

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

RIVERA, MARISSA
356 59TH ST
WILLOWBROOK, IL 60527

Re: Account [REDACTED]
PIN #: [REDACTED]
Delinquent Water Bill

Dear Owner/Resident/Tenant,

Please be advised that your water bill is now delinquent in the amount of \$ 250.19. This amount now includes a \$25.00 fee pursuant to Section 6-8-5 of the Village of Willowbrook Code. This \$25.00 is added to all accounts delinquent 45 or more days after the billing date. This amount also includes all other penalties pursuant to Section 6-8-5 of the Village Code. Your failure to satisfy the total amount of this delinquency on or before November 25, 2019, will result in the immediate termination of your water service.

Should your water service be terminated, Section 6-8-8 of the Village Code provides that a \$70.00 non-refundable reinstatement fee be charged. Said \$70.00 reinstatement fee shall be paid in addition to all delinquent bills and all penalties thereon before water service will be reinstated.

You may pay your bill online by visiting www.willowbrookil.org and select "Pay A Bill." You will need your account number and PIN as listed above. A convenience fee will apply.

If you have any questions concerning your water bill, please contact the billing office at 630-920-2238. If you wish to arrange a hearing before the Mayor and Board of Trustees to contest the termination of your water service, please contact the Village Deputy Clerk at 630-920-2234 or in writing to 835 Midway Dr., Willowbrook, IL 60527 no later than five (5) days prior to the scheduled termination date.

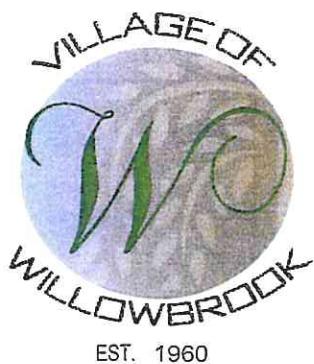
If you do not satisfy the bill or contact one of the options listed above, your water service will be automatically terminated.

Sincerely,

Village of Willowbrook



Proud Member of the
Illinois Route 66 Scenic Byway



Willowbrook

835 Midway Drive
Willowbrook, IL 60527-5549

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

November 01, 2019

Mayor

Frank A. Trilla

DREHER, ERIC
365 65TH ST
WILLOWBROOK, IL 60527

Village Clerk

Leroy R. Hansen

Re: Account [REDACTED]
PIN #: [REDACTED]
Delinquent Water Bill

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Dear Owner/Resident/Tenant,

Please be advised that your water bill is now delinquent in the amount of \$ 115.35. This amount now includes a \$25.00 fee pursuant to Section 6-8-5 of the Village of Willowbrook Code. This \$25.00 is added to all accounts delinquent 45 or more days after the billing date. This amount also includes all other penalties pursuant to Section 6-8-5 of the Village Code. Your failure to satisfy the total amount of this delinquency on or before November 25, 2019, will result in the immediate termination of your water service.

Should your water service be terminated, Section 6-8-8 of the Village Code provides that a \$70.00 non-refundable reinstatement fee be charged. Said \$70.00 reinstatement fee shall be paid in addition to all delinquent bills and all penalties thereon before water service will be reinstated.

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If you do not satisfy the bill or contact one of the options listed above, your water service will be automatically terminated.

Sincerely,

Village of Willowbrook



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Willowbrook

835 Midway Drive
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Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

November 01, 2019

Mayor

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Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

WILLOWBROOK INN
7800 KINGERY HWY
WILLOWBROOK, IL 60527

Re: Account [REDACTED]
PIN #: [REDACTED]
Delinquent Water Bill

Dear Owner/Resident/Tenant,

Please be advised that your water bill is now delinquent in the amount of \$ 2,653.00. This amount now includes a \$25.00 fee pursuant to Section 6-8-5 of the Village of Willowbrook Code. This \$25.00 is added to all accounts delinquent 45 or more days after the billing date. This amount also includes all other penalties pursuant to Section 6-8-5 of the Village Code. Your failure to satisfy the total amount of this delinquency on or before November 25, 2019, will result in the immediate termination of your water service.

Should your water service be terminated, Section 6-8-8 of the Village Code provides that a \$70.00 non-refundable reinstatement fee be charged. Said \$70.00 reinstatement fee shall be paid in addition to all delinquent bills and all penalties thereon before water service will be reinstated.

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If you do not satisfy the bill or contact one of the options listed above, your water service will be automatically terminated.

Sincerely,

Village of Willowbrook



Proud Member of the
Illinois Route 66 Scenic Byway

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE: MOTION TO APPROVE THE FISCAL YEAR 2020/21 BUDGET SCHEDULE	AGENDA NO. 5e AGENDA DATE: <u>11/25/19</u>
STAFF REVIEW: Carrie Dittman, Director of Finance	SIGNATURE: <u>C. Dittman</u>
LEGAL REVIEW: Tom Bastian, Village Attorney	SIGNATURE: <u>Tom Bastian/JM</u>
RECOMMENDED BY: Brian Pabst, Village Administrator	SIGNATURE: <u>B. Pabst</u>
REVIEWED & APPROVED BY COMMITTEE:	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY) Attached is the Fiscal Year 2020/21 (May 1, 2020 thru April 30, 2021) proposed Budget Schedule. The schedule generally reflects the same budget process that has been followed in previous years, with the following deviations: <ul style="list-style-type: none">▪ Community-wide Citizen Survey: The Village will investigate utilizing the new Polco online platform to conduct the survey this year. The poll will open in January 2020.▪ Goal Setting Workshop: The Village conducted a financial status update workshop on September 12, 2019; further goal setting is deferred at this time.	
ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.) The Staff Budget Kick-Off Meeting will be held on November 27, 2019 and the schedule will proceed as outlined in the attachment. The draft budget will be prepared for review at a Joint Committee meeting, currently scheduled to occur on February 17 th . The Board Budget workshop is tentatively scheduled to occur on March 16 th , with final approval of the budget to occur at the regular meeting of the Village Board on April 27, 2020.	
ACTION PROPOSED: Approve the FY 2020/21 Budget Schedule.	

BUDGET SCHEDULE FY 2020-21

Event	Date
Goal Setting Workshop	N/A
Community Needs Survey	Survey open January 2020 Review results February 2020
Senior Staff Workshop Review current fiscal year initiatives and assess progress Identify initiatives that will carry over to next fiscal year Identify any new initiatives/eliminate if needed Present budget workbook (including budget guidelines) to staff	November 27, 2019
Department Budget Proposals Entered in B S & A	January 10, 2020
Departmental Budget Review by Finance & Village Admin	w/o January 13 & 20, 2020
Final Staff Budget Meeting and Adjustments	January 27, 2020
Presentation to Joint Committees	February 17, 2020
Public Hearing on Appropriation Ordinance	March 16, 2020
Board Budget Workshop I	March 16, 2020
Board Budget Workshop II (if needed)	April 13, 2020 (BoT)
Final Approval of Budget	April 27, 2020 (BoT)
Adopt Appropriation Ordinance	By July 1, 2020

VILLAGE OF WILLOWBROOK

BOARD MEETING

AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:

AN ORDINANCE PROVIDING FOR THE LEVY OF TAXES FOR THE FISCAL YEAR COMMENCING ON MAY 1, 2019 AND ENDING APRIL 30, 2020, OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

AGENDA NO.**6****AGENDA DATE:** 11/25/19**STAFF REVIEW:** Carrie Dittman**SIGNATURE** C. Dittman**LEGAL REVIEW:** Thomas Bastian, Village Attorney**SIGNATURE** Tom Bastian, Jr.**RECOMMENDED BY:** Brian Pabst, Village Administrator**SIGNATURE** Brian Pabst**REVIEWED BY COMMITTEE:** YES on October 14, 2019 NO N/A **ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER PERTINENT HISTORY)**

At the October 14, 2019 Finance and Administration Committee meeting, staff presented the proposed \$72,750 tax levy for the Special Recreation levy, which funds certain ADA accessible park programs and projects.

Per 35 ILCS 200/18-60, the Village is required, not less than 20 days prior to the adoption of its aggregate levy, to determine the amounts of money, exclusive of any portion of that levy attributable to the cost of conducting an election required by the general election law, estimated to be necessary to be raised by taxation for that year upon the taxable property in its district. A Resolution estimating the tax to be levied was brought forth to the Village Board on October 28, 2019 and was approved at that meeting (19-R-57).

The 20-day waiting requirement to pass the ordinance to adopt the tax levy has now elapsed, and the attached ordinance must be adopted and filed with the County Clerk before the end of December.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, KEY POINTS, RECOMMENDATIONS, ETC.)

The 2019 proposed tax levy is \$72,750. At this amount, the tax impact for a home owner with a home market value of \$300,000 would be approximately \$15.26. This is a 2.24% decrease from the prior year's levy, or \$1,670, and includes amounts planned for ADA accessibility at Village parks and the Community Resource Center. All tax collected is restricted to be used on special recreation activities.

Gateway membership	\$ 39,310
Staff costs	5,500
ADA Accommodations	7,700
Park Maintenance	4,840
Park Improvements	99,750
Less: Est. Reserve at 4/30/2020	(84,350)
Total	\$ 72,750

ACTION PROPOSED: PASS THE ORDINANCE

ORDINANCE NO. 19-0-_____

AN ORDINANCE PROVIDING FOR THE LEVY OF TAXES FOR THE FISCAL YEAR COMMENCING ON MAY 1, 2019 AND ENDING APRIL 30, 2020, OF THE VILLAGE OF WILLOWBROOK, DU PAGE COUNTY, ILLINOIS

WHEREAS, on or about May 28, 2019, the corporate authorities of the Village of Willowbrook passed Ordinance No. 19-0-8, entitled "Annual Appropriation Ordinance Village of Willowbrook, DuPage County, Illinois for the Fiscal Year Beginning May 1, 2019 and Ending April 30, 2020"; and

WHEREAS, the corporate authorities of the Village of Willowbrook, by this Ordinance, desire to levy such taxes as are necessary to defray all expenses and liabilities for the fiscal year commencing May 1, 2019 and ending April 30, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION ONE: That the Mayor and Board of Trustees of the Village of Willowbrook have and hereby do ascertain the total amount of appropriations legally made and all amounts deemed necessary to defray additional expenses and liabilities for all corporate purposes to be provided for by the levy of taxes for the

fiscal year commencing May 1, 2019 and ending April 30, 2020, as follows:

ACCOUNT NUMBER	OBJECT AND PURPOSE FOR WHICH APPROPRIATIONS ARE MADE	AMOUNT APPROPRIATED FOR EACH OBJECT OR PURPOSE IN DOLLARS	AMOUNT LEVIED IN DOLLARS
<u>GENERAL CORPORATE FUND EXPENDITURES</u>			
01-20-550-101	Salaries-Permanent Employees	\$69,192	\$5,500
01-20-590-518	ADA - Gateway Dues	\$77,080	\$39,310
01-20-590-519	ADA - Park Maintenance	\$9,500	\$4,840
01-20-590-520	ADA Accommodations	\$15,400	\$7,700
01-20-590-521	ADA Park Improvements	\$190,000	\$15,400

SECTION TWO: That there be and hereby is levied a tax, pursuant to 65 ILCS 5/11-95-14, for the fiscal year commencing on May 1, 2019 and ending April 30, 2020, upon all property subject to taxation within the Village of Willowbrook, DuPage County, as such property is assessed and equalized for State and County purposes for the current year, the sum of \$72,750 for the purposes and the funds set forth in Section One of this Ordinance.

SECTION THREE: That the Village Clerk be and the same is hereby directed to certify a copy of this Ordinance and file said certified copy with the County Clerk of DuPage County, within the time specified by law.

SECTION FOUR: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION FIVE: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED and APPROVED this 25 day of November, 2019.

APPROVED: _____
Frank A. Trilla, Mayor

ATTEST: _____
Leroy R. Hansen, Village Clerk

ROLL CALL VOTE: AYES: _____

 NAYS: _____

 ABSTENTIONS: _____

 ABSENT: _____

STATE OF ILLINOIS)
)
) SS.
COUNTY OF DU PAGE)

I, Frank A. Trilla, do hereby certify that I am the duly qualified Mayor of the Village of Willowbrook, DuPage County, Illinois. I do further certify that the provisions of Sections 18-60 through 18-85 of the "Truth in Taxation Act" (35 ILCS 200/18-55 *et seq.*) are inapplicable to its 2019-2020 Tax Levy Ordinance, passed this ____ day of November, 2019.

IN WITNESS WHEREOF, I hereunto affix my official signature at Willowbrook, Illinois, this ____ day of November, 2019.

Frank A. Trilla, Mayor

(SEAL)

ATTEST:

Leroy R. Hansen, Village Clerk

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

AN ORDINANCE AMENDING TITLE 11 ENTITLED "TAXES" OF THE VILLAGE CODE OF ORDINANCES TO ADD THERETO CHAPTER 9 TO CREATE A TAX ON THE PRIVILEGE OF LEASING NON-RESIDENTIAL PROPERTY FOR LONG-TERM STORAGE OF PERSONAL PROPERTY

AGENDA NO. 7.

AGENDA DATE:
11/25/19

STAFF REVIEW: Mike Mertens, Assistant Village Administrator

SIGNATURE: M. Mertens

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: Tom Bastian / am

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: B. Pabst

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

In the 2019/2020 budget the Village Board approved a General Fund drawdown from Village reserves of \$1,722,288. The drawdown included items related to the crisis management situation, employee retirements, various capital improvement projects, and police pension increases. The Village held a Special Board meeting on September 12, 2019 to review the current General Fund revenues and expenses, and staff highlighted future year budget estimates including fixed debt payments, projections on sworn officers' salaries, health insurance, IMRF, police pension obligations and other expenses. Additionally, staff highlighted the items not included in the projections; such as salaries for non-union staff, capital projects, crisis management and IT related items. Based on these projections, staff estimates that the Village will drop below our Village Reserve Policy of 120 Days in the next Fiscal Year 2020/21 (Attachment #1). The Police Pension portion of these estimates is projected to increase 10% annually, from \$1,074,713 in 2021 to \$2,534,117 in 2030 (Attachment #2).

One item being considered to help close the Village's future fund balance deficit is the creation of a Self-Storage Accommodation Tax. Self-storage facilities are properties designed and used for the purpose of renting or leasing individual storage space to occupants who have access to such space for the purpose of storing and removing personal property. A self-storage tax would be applied to the gross rental charge. The gross rental charge can be periodic; daily, monthly, quarterly, or yearly. An approved accommodation tax would be imposed upon the gross rental charge for the rental or leasing of any individual self-storage space within the Village. A sample of Morton Grove's self-storage facility accommodation tax return remittance form is attached as (Attachment #3).

Research for area communities who have adopted a Self-Storage Accommodation Tax are as follows:

Community	Number of Facilities	Tax Rate	Budget
Village of Countryside	Two (2)	5%	\$85,000
Village of Harwood Heights	Two (2)	3%	\$42,000
Village of Norridge	One (1)	5%	\$20,000
Village of Morton Grove	Five (5)	5%	\$185,000
Village of Skokie	Seven (7)	5%	\$341,250 FY 2020 \$455,000 FY 2021

STAFF RECOMMENDATION

The Village of Willowbrook has two self-storage facilities currently operating; the Lock Up Self-Storage at 755 Plainfield Road and Public Storage at 801 Joliet Road. There are two additional self-storage facilities currently under construction, ROC Self-Storage on Quincy Drive and Beyond Self-Storage on Frontage Road. Both facilities are anticipated to open by fall 2020. Staff has construction plans for the Lock Up, Beyond Self-Storage and Roc Self-Storage but was unable to locate plans for the Public Storage Facility, as such this facility was estimated based on an average estimate. Revenue estimates are based on a 5% accommodation tax as follows:

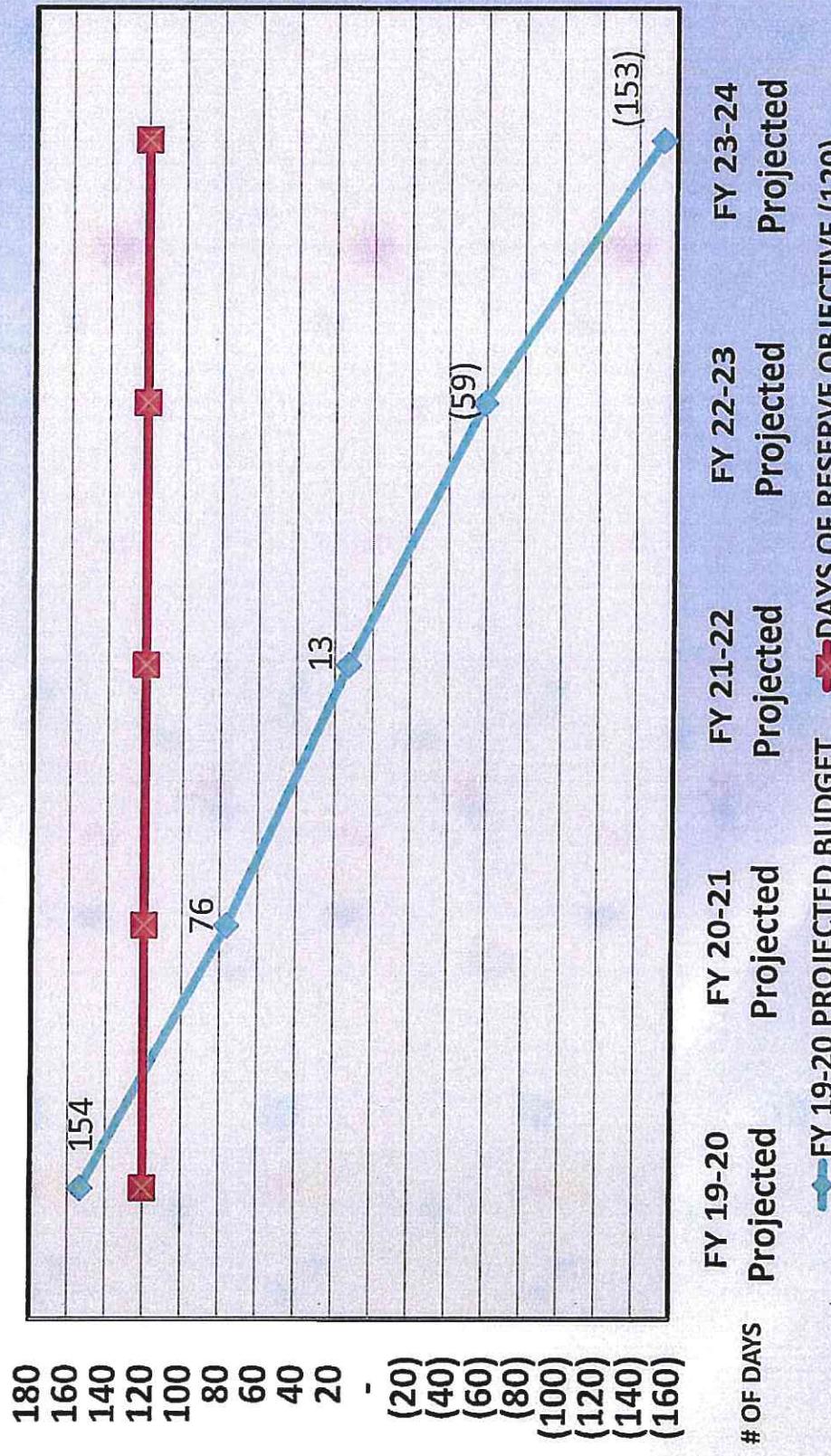
Facility	Gross Revenue – Full Capacity Estimate	5% Tax Rate Revenue	Estimated Revenue 2020	Estimated Revenue 2021	Estimated Revenue 2022
The Lock Up Building A	\$1,322,232	\$66,111	\$49,583 (25% vacancy)	\$49,583 (25% vacancy)	\$49,583 (25% vacancy)
The Lock Up Building B & C	\$133,968	\$6,698	\$5,023 (25% Vacancy)	\$5,023 (25% vacancy)	\$5,023 (25% vacancy)
Public Storage	\$65,976	\$18,298	\$13,724 (25% Vacancy)	\$13,724 (25% vacancy)	\$13,724 (25% vacancy)
Beyond Self-Storage	\$1,193,580	\$59,679	\$11,935 (80% vacancy)	\$29,839 (50% vacancy)	\$44,759 (25% vacancy)
ROC Self-Storage Bldg. A	\$778,452	\$38,922	\$7,784 (80% vacancy)	\$19,461 (50% vacancy)	\$29,191 (25% vacancy)
Roc Self-Storage Bldg. B.	\$265,848	\$13,292	\$2,658 (80% vacancy)	\$6,646 (50% vacancy)	\$9,969 (25% vacancy)
Yearly Estimate Totals			\$90,707	\$124,276	\$152,249

As a Home Rule community, this revenue source is an unrestricted tax. In addition, this tax has a limited impact on local residents since the majority of customers reside outside of Willowbrook. Staff is recommending that the Village consider a 5% local self-storage facility accommodation tax. Staff projects that the 5% accommodation tax would generate \$90,707 in calendar year 2020, \$124,276 in calendar year 2021 and \$152,259 in calendar year 2022. This additional revenue could be used to offset rising pension and other Village costs. Staff would recommend that the program start as of January 1, 2020 presuming the ordinance is passed by the Village Board on November 25, 2019. This item was presented to the Finance and Administration Committee on Monday, November 11, 2019 and recommended for Village Board consideration.

Revenue projections for the Willowbrook facilities are attached.

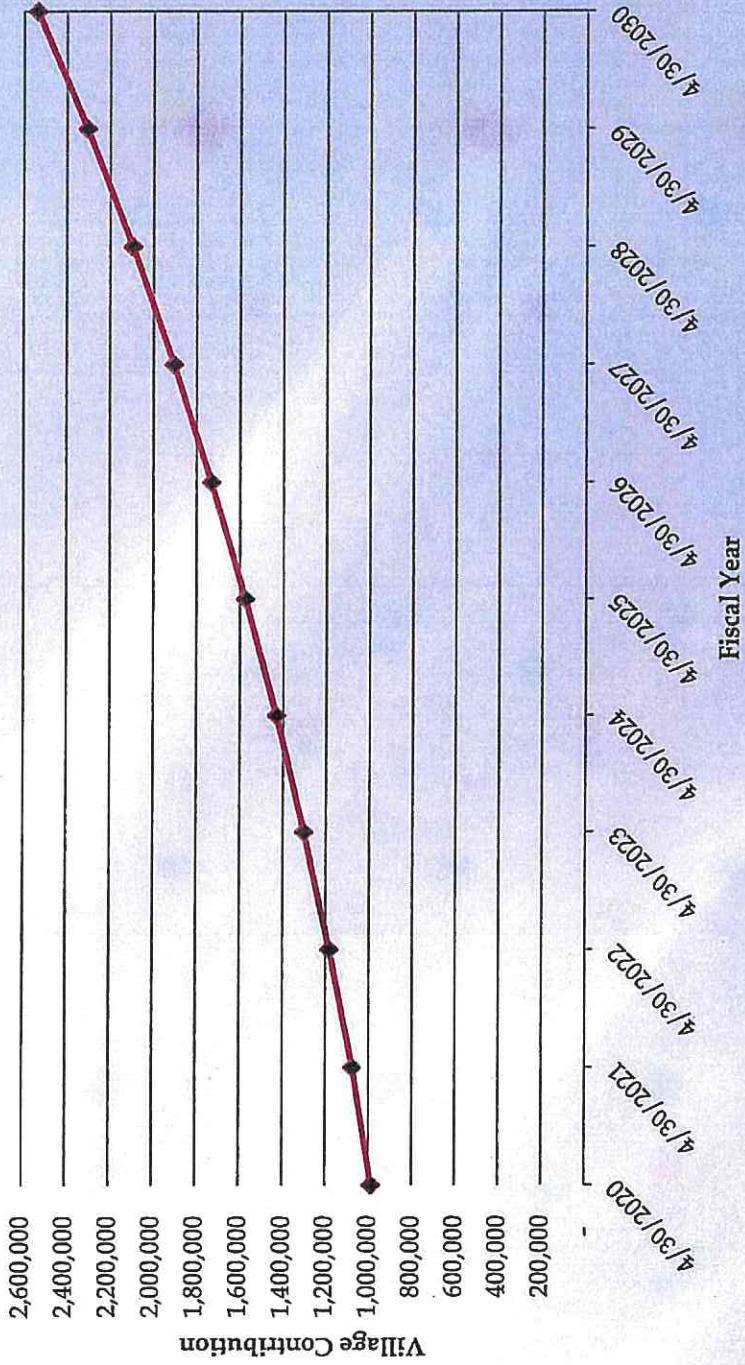
ACTION PROPOSED: Adopt Ordinance.

General Fund Balance Reserves - Next 5 Years Including Wage Increases, Capital & Contingency



Pension Costs: Police Pension Projected Next 10 Years

- Next year's contribution (FY 20/21) is \$1,074,713 per actuary = \$87,855 increase from FY 19/20, or 8.9%
- Subsequent Years = 10% annual increase assumed
- 4/30/2030 contribution = estimated \$2,534,117





**Village of Morton Grove
Self-Storage Facility Accommodation Tax Return
Remittance Form**

Title 4, Chapter 17G of the Village of Morton Grove Municipal Code establishes a Self-Storage Facility Accommodations Tax. This return must be filed and all taxes due must be remitted no later than the 20th day of each month.

Month & Year
Of Collection _____

Payee Name, Address & Telephone

Local Business Name, Address & Telephone

Morton Grove, IL 60053
(847) _____

IBT Number for this location
(from Illinois DOR ST-1) _____

M. G. Business License No. _____

Step 1	Gross Monthly Rental or Lease Amount	\$ _____	(1)
Step 2	Calculate tax (Line 1 x 0.05*)	\$ _____	(2)
Step 3	Calculate late payment penalty(s), if any:		
	a) Late Payment Penalty (Line 2 x 0.05)	\$ _____	(3a)
	b) Interest Charge (Line 2 x 0.01 per month)	\$ _____	(3b)
	c) Late Filing Penalty (Line 2 x 0.05)	\$ _____	(3c)
Step 4	Subtotal of penalties (add Lines 3a to 3c)	\$ _____	(4)
Step 5	Total tax, interest & penalty due (add lines 2 and 3)	\$ _____	(5)

* The 2008 tax rate is 3%. The rate increases to 4% effective June 1, 2009 and 5% effective June 1, 2010.

Under penalties of perjury and other penalties provided by law, I declare that I have examined this return and to the best of my knowledge and belief it is true, correct and complete. I further declare that the information set forth is taken from the books and records of the business for which the return is filed.

Signature of Preparer

Date

Signature of Taxpayer

Date

Mail this completed return and payment check
for the amount shown in Line (5) to:

Finance Department
Village of Morton Grove
6101 Capulina Avenue
Morton Grove, IL 60053

If there are any questions please call (847) 965-4100. For additional forms, please visit www.mortongroveil.org.

The Lock Up - Building A

The Lockup Self Storage - Willowbrook

Size of Unit	Quantity	Monthly Rates - Estimated	Yearly Rate	Yearly Unit Total	Self Storage Tax - 5%
3' x 10'	2	\$ 69.00	\$ 828.00	\$ 1,656.00	\$ 82.80
5' x 5'	126	\$ 47.00	\$ 564.00	\$ 71,064.00	\$ 3,553.20
4' x 10'	3	\$ 69.00	\$ 828.00	\$ 2,484.00	\$ 124.20
5' x 8'	130	\$ 69.00	\$ 828.00	\$ 107,640.00	\$ 5,382.00
5' x 10'	110	\$ 89.00	\$ 1,068.00	\$ 117,480.00	\$ 5,874.00
10' x 8'	40	\$ 125.00	\$ 1,500.00	\$ 60,000.00	\$ 3,000.00
10' x 10'	160	\$ 149.00	\$ 1,788.00	\$ 286,080.00	\$ 14,304.00
10' x 15'	102	\$ 235.00	\$ 2,820.00	\$ 287,640.00	\$ 14,382.00
10' x 20'	65	\$ 321.00	\$ 3,852.00	\$ 250,380.00	\$ 12,519.00
10' x 25'	12	\$ 465.00	\$ 5,580.00	\$ 66,960.00	\$ 3,348.00
10' x 28'	1	\$ 369.00	\$ 4,428.00	\$ 4,428.00	\$ 221.40
10' x 30'	15	\$ 369.00	\$ 4,428.00	\$ 66,420.00	\$ 3,321.00
Grand Total Units	766				
				\$ 1,322,232.00	\$ 66,111.60
			Less Estimated 25% Vacancy		
					\$ 49,583.70

Lock Up Storage Building B & C

Lock Up Self Storage Building B	Size of Unit	Quantity	Monthly Rates - Estimated	Yearly Rate	Yearly Rate Unit Total	Self Storage Tax - 5%
	<u>Storage Bays est 10' x 27'</u>	17	\$	299.00	\$ 3,588.00	\$ 60,996.00

Less Estimated 25% Vacancy	\$ 133,968.00	\$ 6,698.40
		5,023.80

Public Storage - ESTIMATED

Sample - Lock Up Self Storage Building B	Quantity	17	Bases on Arlington Heights Location	Monthly Rates - Estimated	Yearly Rate	Yearly Rate Unit Total	Self Storage Tax - 5%
Size of Unit				\$ 299.00	\$ 3,588.00	\$ 60,996.00	\$ 3,049.80
Storage Bays est 10' x 27'							
			Six Building Development	\$	\$ 365,976.00	\$ 18,298.80	
				\$	<u>365,976.00</u>	<u>\$ 18,298.80</u>	
				<u>Less Estimated 25% Vacancy</u>	<u>\$ 13,724.10</u>		

ROC Self Storage - Building A

ROC Self Storage - Willowbrook

Size of Unit	Bases on Arlington Heights Location						Self Storage Tax - 5%
	Quantity	Monthly Rates - Estimated	Yearly Rate	Yearly Rate	Unit Total	696.00	
4 x 10'	2	\$ 29.00	\$ 348.00	\$ 348.00	\$ 696.00	\$ 34.80	
4.1' x 10'	2	\$ 39.00	\$ 468.00	\$ 468.00	\$ 696.00	\$ 34.80	
4.8' x 10'	38	\$ 39.00	\$ 468.00	\$ 468.00	\$ 17,784.00	\$ 889.20	
5' x 5'	110	\$ 39.00	\$ 468.00	\$ 468.00	\$ 51,480.00	\$ 2,574.00	
5' x 5.7'	2	\$ 39.00	\$ 468.00	\$ 468.00	\$ 936.00	\$ 46.80	
6.5' x 5.6'	4	\$ 39.00	\$ 468.00	\$ 468.00	\$ 1,872.00	\$ 93.60	
6' x 10'	2	\$ 39.00	\$ 468.00	\$ 468.00	\$ 936.00	\$ 46.80	
7.8' x 5.6'	4	\$ 39.00	\$ 468.00	\$ 468.00	\$ 1,872.00	\$ 93.60	
10.1' x 5.3'	5	\$ 39.00	\$ 468.00	\$ 468.00	\$ 2,340.00	\$ 117.00	
10.3 x 5'	1	\$ 39.00	\$ 468.00	\$ 468.00	\$ 468.00	\$ 23.40	
10' x 9	1	\$ 69.00	\$ 828.00	\$ 828.00	\$ 828.00	\$ 41.40	
10.1 x 9.8'	6	\$ 99.00	\$ 1,188.00	\$ 1,188.00	\$ 7,128.00	\$ 356.40	
10' x 10'	528	\$ 99.00	\$ 1,188.00	\$ 1,188.00	\$ 627,264.00	\$ 31,363.20	
11.5' x 10'	16	\$ 99.00	\$ 1,188.00	\$ 1,188.00	\$ 19,008.00	\$ 950.40	
10.1' x 10'	9	\$ 99.00	\$ 1,188.00	\$ 1,188.00	\$ 10,692.00	\$ 534.60	
10.1' x 14.8'	1	\$ 99.00	\$ 1,188.00	\$ 1,188.00	\$ 1,188.00	\$ 59.40	
10.1 x 15'	6	\$ 99.00	\$ 1,188.00	\$ 1,188.00	\$ 7,128.00	\$ 356.40	
10' x 15'	2	\$ 99.00	\$ 1,188.00	\$ 1,188.00	\$ 2,376.00	\$ 118.80	
14.6' x 10'	2	\$ 99.00	\$ 1,188.00	\$ 1,188.00	\$ 2,376.00	\$ 118.80	
14.1 x 10'	4	\$ 99.00	\$ 1,188.00	\$ 1,188.00	\$ 4,752.00	\$ 237.60	
14.8' x 10'	14	\$ 99.00	\$ 1,188.00	\$ 1,188.00	\$ 16,632.00	\$ 831.60	
Grand Total Units	759				\$ 778,452.00	\$ 38,922.60	
Less Estimated 80% Vacancy					\$ 7,784.52		
Less Estimated 50% Vacancy					\$ 19,461.30		
Less Estimated 25% Vacancy					\$ 29,191.95		

ROC Vehicle Storage Building B

ROC Self Storage - Willowbrook		Bases on Arlington Heights Location					
Size of Unit	Quantity	Monthly Rates - Estimated	Yearly Rate	Yearly Rate Unit Total	Self Storage Tax - 5%		
Vehicle Storage Bays est 10 x 20	106	\$ 209.00	\$ 2,508.00	\$ 265,848.00	\$ 13,292.40		
						Less Estimated 80% Vacancy \$ 2,658.48	
						Less Estimated 50% Vacancy \$ 6,646.20	
						Less Estimated 25% Vacancy \$ 9,969.30	

Beyond Self Storage - Willowbrook		Bases on Arlington Heights Location			
Size of Unit	Quantity	Monthly Rates - Estimated	Yearly Rate	Yearly Rate Unit Total	Self Storage Tax - 5%
5' x 5'	83	\$ 39.00	\$ 468.00	\$ 38,844.00	\$ 1,942.20
5' x 10'	13	\$ 39.00	\$ 468.00	\$ 6,084.00	\$ 304.20
5 x 15'	70	\$ 99.00	\$ 1,188.00	\$ 83,160.00	\$ 4,158.00
10' x 7"-6"	70	\$ 49.00	\$ 588.00	\$ 41,160.00	\$ 2,058.00
10' x 5'	162	\$ 39.00	\$ 468.00	\$ 75,816.00	\$ 3,790.80
10' x 10'	202	\$ 99.00	\$ 1,188.00	\$ 239,976.00	\$ 11,998.80
10' x 15'	149	\$ 99.00	\$ 1,188.00	\$ 177,012.00	\$ 8,850.60
10' x 20'	143	\$ 209.00	\$ 2,508.00	\$ 358,644.00	\$ 17,932.20
10' x 25'	12	\$ 299.00	\$ 3,588.00	\$ 43,056.00	\$ 2,152.80
10'x 30'	31	\$ 349.00	\$ 4,188.00	\$ 129,828.00	\$ 6,491.40
Grand Total Units	935			\$ 1,193,580.00	\$ 59,679.00
				Less Estimated 80% Vacancy	\$ 11,935.80
				Less Estimated 50% Vacancy	\$ 29,839.50
				Less Estimated 25% Vacancy	\$ 44,759.25

ORDINANCE NO. 19-0-_____

AN ORDINANCE AMENDING TITLE 11 ENTITLED "TAXES" OF THE VILLAGE CODE OF ORDINANCES TO ADD THERETO CHAPTER 9 TO CREATE A TAX ON THE PRIVILEGE OF LEASING NON-RESIDENTIAL PROPERTY FOR LONG-TERM STORAGE OF PERSONAL PROPERTY

WHEREAS, the Village of Willowbrook ("Village") is a home rule municipality pursuant to Article VII Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs; and

WHEREAS, this Ordinance is adopted pursuant to the Village's home rule authority; and

WHEREAS, in exercise of its home rule authority, the Village, through its Mayor and Board of Trustees, has found and determined that, in order to raise additional revenue, the Village is desirous of imposing a tax on the privilege of a lessee renting out non-residential real property for the primary purpose of storing personal property therein for a period of 30 days or more; and

WHEREAS, the corporate authorities of the Village find that such real property rentals as above-described do not generate sales tax revenues for the Village and that imposing the tax herein described will have a minimal effect on lessees and owners of such property in light of relatively small base rental charges for such property; and

WHEREAS, the corporate authorities of the Village further find that leasing real property for the primary purpose of long-term storage of personal property is distinguishable from other types of real property rentals insofar as such use neither generates significant sales tax revenues for the Village nor provides a significant source of employment for Village residents; and

WHEREAS, the corporate authorities of the Village find such a tax to be in the best interest of the public health, safety and welfare of its citizens by increasing municipal tax receipts at a time of economic hardship while imposing minimal economic burden on the subjects of the tax in light

of relatively small base rental rates as compared with leases undertaken primarily for residential or other commercial purposes such as office, industrial or shopping uses.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, that Title 11 entitled "Taxes" of the Village Code of the Village of Willowbrook, DuPage County, Illinois, as amended, is hereby further amended by adding thereto Chapter 9 entitled "Non-Residential Property Lease for Long-Term Storage of Personal Property-Tax", as follows:

SECTION ONE: The facts and statements contained in the preamble of this Ordinance are found to be true and correct and are hereby adopted as the findings of the corporate authorities of the Village of Willowbrook as if fully restated herein.

SECTION TWO:

"Chapter 9. Non Residential Property Lease for Long Term Storage of Personal Property Tax.

11-9-1 – Definitions.

Gross Rental Charge means any amount of consideration imposed by the owner of a self-storage facility upon any person for the privilege of renting individual storage space at the self-storage facility in the Village. Gross rental charge can be periodic (daily, monthly, quarterly, etc.) or a single lump-sum charge required prior to, during, or after the rental of the individual storage space.

Individual Storage Space means any space rented or leased by a person for the purpose of storing personal property within the self-storage facility.

Long Term Storage means any space rented or leased by a person storing personal property within a self-storage facility for a period of thirty (30) days or more.

Occupant means a person, his/her or its sublessee, successor or assigns, entitled to the use of the storage space at a self-storage facility under rental agreement to the exclusion of others.

Owner means the owner, operator, lessor or sublessor of a self-storage facility, his/her agent, or any other person authorized by him/her to manage the facility, or to receive rent from all occupants under a rental agreement.

Person means any individual, firm or corporation, partnership, trust its or their representative or other entity.

Personal Property means movable property not affixed to land and includes, but is not limited to, goods, merchandise, household items, tools, machinery and equipment.

Rental Agreement means any agreement or lease, written or oral that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a self-storage facility.

Self-Storage Facility means any real property designed and used for the purpose of renting or leasing individual storage to occupants who are to have access to such for the purpose of storing and removing personal property. A self-storage facility, as defined in this Section, is not a warehouse for the purpose of Article 7 of the Uniform Commercial Code. In the event an owner issues any warehouse receipt, bill of lading or other document of title for the personal property stored, the provisions of the Uniform Commercial Code do not apply.

Village means the Village of Willowbrook, DuPage County, Illinois.

11-9-2 – Imposition of Tax.

A tax of five percent (5%) is hereby imposed upon the gross rental charge for the rental or leasing of any individual self-storage space in the Village of Willowbrook. The ultimate incidence of any liability for payment of the tax imposed by this Section shall be borne by the occupant of any such individual's storage space. This surcharge shall be in addition to any and all other surcharges or taxes.

11-9-3 – Collection of Tax.

The owner of any self-storage facility within the Village shall have the duty to collect the municipal self-storage tax from each occupant of individual self-storage space at the time when gross rental charges are collected.

11-9-4 – Administration and Enforcement.

The Village Administrator or his/her designee is hereby designated as the administration and enforcement officer of the tax imposed by this Chapter on behalf of the Village. It shall be the responsibility and duty of the Village Administrator or his/her designee, to collect all amounts due the Village Administrator or his/her designee, to collect all amounts due the Village.

11-9-5 – Books and Records.

The owner of any self-storage facility shall maintain complete and accurate books, records, and accounts showing the gross receipts from rental charges and the tax collected each month, which shall be made available to the Village or its designee for examination and for audit by the Village upon reasonable notice and during customary business hours.

11-9-6 – Tax Return Form.

A monthly self-storage tax return form, made available by the Village, shall be filed by each owner of a self-storage facility in the Village. Each monthly return shall include the gross receipts from rental charges and the amount of self-storage tax collected. Each return shall be accompanied by payment to the Village of all taxes due and owing for the month covered by the return. All returns required by this Chapter shall be due by the 15th of each month following the month described in the return. If the owner of a self-storage facility is required to file Illinois Sales and Use Tax from with the Illinois Department of Revenue (form ST-1inclusive of multi-location form ST-2), a copy of said form must be filed with the Village at the same time the monthly Self-Storage Surcharge return is filed. For tax returns not received by the Village when due, a late fee of 3% of the monies due and owing for a monthly return shall be assessed on the last day of the month that the return is due, and for every month thereafter until any and all outstanding amounts are paid in full.

11-9-7 – Collection of Unpaid Tax.

Whenever any person fails to pay any taxes and fees provided for in this Chapter or when any owner of a self-storage facility fails to collect the tax imposed by this Chapter from any person who has the ultimate liability for payment of the tax, the Corporation Counsel of the Village shall, upon request of the Village Administrator or designee, bring or cause to be brought an action against the owner to enforce the payment of the tax on behalf of the Village, in the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois.

11-9-8 – Penalties.

Any person who fails to make and file a return as required by this Chapter, or who makes a fraudulent return, or who willfully violates any other provision of this Article shall be subject to the penalties provide in Title 1, Chapter 4 of the Village Code of the Village of Willowbrook, in addition to any other penalty specifically provided for, and in addition shall be liable in a civil action for the amount of tax due and any other penalties provided for by law.

SECTION THREE: That this Ordinance shall be in full force and effect on January 1, 2020 and from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED and APPROVED this 25th day of November, 2019.

ROLL CALL VOTE: AYES: _____
 NAYS: _____
 ABSTENTIONS: _____
 ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Leroy R. Hansen,
Village Clerk

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

AN ORDINANCE AMENDING SECTION 1-4-2(G) OF CHAPTER 4 ENTITLTED "GENERAL PENALTY" OF TITLE 1 ENTITLED "ADMINISTRATIVE" OF THE VILLAGE CODE OF ORDINANCE OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

AGENDA NO. 8.
AGENDA DATE:
11/25/19

STAFF REVIEW: Robert Schaller, Chief of Police

SIGNATURE: Bob Schaller/Jun

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: Tom Bastian/Jun

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: B. Pabst

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

When any Village officer or official is authorized to charge a person or arrest a person without a warrant for a violation of the law, the Village officer or official may, in lieu of filing a complaint in court, issue the alleged violator a notice of violation. These notices of violation carry a penalty of a fine only and are listed in the Willowbrook Municipal Code Chapter 4: General Penalty. The fine structure dates back to 1996 and has not been amended to reflect the current fine structures.

STAFF RECOMMENDATION

This item was discussed at the August 14, 2019 Public Safety Committee. A new fine structure was proposed for consideration for specific subjects and laws in regulations. The majority of the violations increased from \$25 to \$75 per violation. The \$50 violations were also recommended to be increased to \$75 per violation. One \$100 violation was recommended to \$125 per violation.

Late fee violations will remain as currently listed in the Village Code of Ordinances as follows:

Should the Village be required to serve a final notice to compel collection of a fine alleged to be due hereunder for any violation, the person accused of said violation may settle and compromise the claim against him by paying to the Village a sum equal to two (2) times the applicable amount as shown in the schedule set forth in subsection (G) of this section for each such violation.

If any person fails or refuses to settle and compromise any claim against him within the time specified in any final notice, the Village may do either of the following:

1. Place any such claim with a collection agency approved by the President and Board of Trustees. Should the Village elect to place any claim with a collection agency, the person accused of said violation may settle and compromise the claim against him by paying to said collection agency a sum equal to three (3) times the applicable amount as shown in the schedule set forth in subsection (G) of this section for each said violation under such reasonable terms as the Village may from time to time provide; or
2. Serve a summons or notice to appear on said person requiring him to appear in a court of competent jurisdiction. Should the Village be required to serve a summons or notice to appear on said person to compel the collection of any fine alleged to be due hereunder, the amount of such fine shall be a sum equal to three (3) times the applicable amount as shown in the schedule set forth in subsection (G) of this section for each said violation exclusive of court costs.

For the purpose of calculating the total amount due under this section (E), the amount due of any permit fees or late fees required in subsection (G) of this section shall not be doubled or tripled (the original fine can be doubled or tripled). The Chief of Police, of his designee, is hereby authorized to refrain from instituting a prosecution for the alleged offence involved.

ACTION PROPOSED: Adopt Ordinance.

ORDINANCE NO. 19-0-_____

**AN ORDINANCE AMENDING SECTION 1-4-2(G) OF CHAPTER 4 ENTITLTED
"GENERAL PENALTY" OF TITLE 1 ENTITLED "ADMINISTRATIVE" OF THE
VILLAGE CODE OF ORDINANCE OF THE
VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS**

WHEREAS, the Village officials of the Village of Willowbrook have undertaken a comprehensive review of penalties imposed for violations of certain provisions of the Village Code of Ordinances including but not limited to violations of regulations related to the standing, parking and condition of motor vehicles within the Village; and

WHEREAS, the corporate authorities of the Village have determined that it is appropriate to amend Title 1, Chapter 4, Section 1-4-2(G)(1) through 1-4-2(G)(15) of the Village Code of Ordinances in the manner hereinafter set forth.

NOW, THEREFORE, BE IT ORDANCED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION ONE: Section 1-4-2(G)(1) through 1-4-2(G)(15) of Chapter 4 entitled "General Penalty" of Title 1 entitled "Administrative" of the Village Code of Ordinance, as amended, is hereby amended in its entirety to read as follows:

1. Violations with Respect to Prohibiting and Restricting the Stopping, Standing or Parking of a Vehicle in Any Designated Area:

Exterior storing of abandoned or nonoperating vehicles (5-3-15(C); 8-7-16(B); 9-10-5(M))	\$75.00
Permitting a vehicle to stand unattended without first stopping the engine, locking the ignition, and removing the key, effectively setting the brake thereon, and where standing upon perceptible grade, turning the front wheels to the curb or side of the highway (8-4-26)	\$75.00
Stopping, standing or parking on the roadway side of any vehicle parked at the edge or curb of a street (8-8-1(A)1)	\$75.00
Stopping, standing or parking on a sidewalk (8-8-1(A)2)	\$75.00
Stopping, standing or parking within an intersection (8-8-1(A)3)	\$75.00
Stopping, standing or parking on a crosswalk (8-8-1(A)4)	\$75.00
Parking between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings (8-8-1(A)5)	\$75.00

<u>Stopping, standing or parking alongside or opposite any street excavation or obstruction when such parking would be obstructing traffic (8-8-1(A)6)</u>	\$75.00
<u>Stopping, standing or parking upon a bridge or other elevated structure upon a highway or within a highway tunnel (8-8-1(A)7)</u>	\$75.00
<u>Stopping, standing or parking on any railroad tracks (8-8-1(A)8)</u>	\$75.00
<u>Stopping, standing or parking at any place where official signs prohibit stopping (8-8-1(A)9), standing (8-8-1(B)6), or parking (8-8-1(C)2)</u>	\$75.00
<u>Stopping, standing or parking on any controlled access highway (8-8-1(A)10)</u>	\$75.00
<u>Stopping, standing or parking in the area between roadways of a divided highway, including crossovers (8-8-1(A)11)</u>	\$75.00
<u>Parking outside of pavement markings, where present (8-8-1(A)12)</u>	\$75.00
<u>Stopping, standing or parking in a manner as to obstruct or restrict the free flow of traffic (8-8-1(A)13)</u>	\$75.00
<u>Standing or parking in front of a public or private driveway (8-8-1(B)1)</u>	\$75.00
<u>Standing or parking within 15 feet of a fire hydrant (8-8-1(B)2)</u>	\$75.00
<u>Standing or parking within 20 feet of a crosswalk at an intersection (8-8-1(B)3)</u>	\$75.00
<u>Parking within 30 feet upon the approach to a flashing signal, stop sign or traffic control signal located at the side of the roadway (8-8-1(B)4)</u>	\$75.00
<u>Parking within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly sign posted (8-8-1(B)5)</u>	\$75.00
<u>Parking within 50 feet of the nearest rail of a railroad crossing (8-8-1(C)1)</u>	\$75.00
<u>Unlawful removal of vehicles (8-8-1(D))</u>	\$75.00
<u>Parking on the streets during snow removal (8-8-2)</u>	\$75.00
<u>Parking on the streets during street cleaning (8-8-3)</u>	\$75.00
<u>Parking in excess of the permitted time limit (8-8-4)</u>	\$75.00
<u>Stopping or parking vehicle on two-way roadway with right hand wheels more than 12 inches from right hand curb (8-8-7(A))</u>	\$75.00
<u>Stopping or parking a vehicle on a one-way roadway with right hand wheels more than 12 inches from right hand curb or left-hand wheels more than 12 inches from the left-hand curb (8-8-7(B))</u>	\$75.00
<u>Displaying vehicles "for sale" (8-8-8(A))</u>	\$75.00
<u>Parking for washing, greasing or repairing vehicles, except emergency repairs (8-8-8(B))</u>	\$75.00
<u>Unlawfully parking or standing in loading zones (8-8-9)</u>	\$75.00
<u>Stopping, standing or parking in a no loading zone (8-8-9A)</u>	\$75.00
<u>Parking on Village streets between the hours of 2:00 A.M. and 6:00 A.M. (8-8-10)</u>	\$25.00
<u>Unlawful stopping, standing or parking in an alley (8-8-11)</u>	\$75.00
<u>Unlawful parking in cab stands or bus loading zones (8-8-12)</u>	\$75.00
<u>Parking of a vehicle on private property without permission of owner (8-8-13)</u>	\$75.00
<u>Unlawful parking in restricted areas (8-8-15)</u>	\$75.00
<u>Parking in, upon or along any designated fire lane (8-8-15)</u>	\$150.00
<u>Unlawful parking by a vehicle with a handicapped decal or registration (8-8-16(A) and (B))</u>	\$75.00

<u>Storage of unlicensed vehicles (8-8-17)</u>	\$75.00
<u>Parking in a parking meter zone in violation of the parking rules (8-9-3)</u>	\$75.00
<u>Parking at a parking meter outside of the area designated (8-9-5)</u>	\$75.00
<u>Parking at a parking meter without depositing the proper coins (8-9-6)</u>	\$75.00
<u>Tampering with a parking meter (8-9-7)</u>	\$75.00
<u>Prohibited parking or storage of a trailer or boat (9-3-10)</u>	\$75.00
<u>Unlawful parking of a truck in any business district except when engaged in active loading/unloading operations (9-6-1(C))</u>	\$75.00
<u>Unlawful off-street parking of a vehicle on other than a driveway, parking pad or other approved off-street parking area (9-10-5(B)2)</u>	\$75.00
<u>Unlawful storage or parking of a vehicle in a residential district (9-10-5(O))</u>	\$75.00

2. Violations with Respect to Regulation of Refuse Under the Provisions of Title 6 Of This Code:

<u>Placing of landscape waste containers, garbage containers, recyclable containers and bulk items sooner than 3:00 P.M. on the date prior to scheduled collection or failure to remove said items from the curb or parkway prior to 7:00 P.M. on the date of scheduled collection (6-6-4(B)2)</u>	\$75.00
<u>Unauthorized collection of recyclable materials (6-6-5(A))</u>	\$75.00
<u>Permitting the storage of or storing of any refuse in such a way as to create a fire hazard (6-6-5(H))</u>	\$75.00
<u>Unauthorized dumping of refuse (6-6-5(I))</u>	\$75.00
<u>Burning of refuse or landscape waste material (6-7-3(D))</u>	\$75.00

3. Violations with Respect to Nuisances:

<u>Any nuisance violation (5-3-15, except 5-3-15(C))</u>	\$75.00
<u>Permitting, operating or maintaining a prohibited compost pile (6-9-5)</u>	\$75.00

4. Violations with Respect to Riding Bicycles or Animals:

<u>Failure to obey applicable traffic regulations (8-2-8)</u>	\$75.00
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5. Violations with Respect to The Placement of Addresses on Houses, Buildings and Structures:

<u>Failure of the owner or occupant to have placed upon every house, building or structure, so as to be clearly visible from the street, figures showing the number of the house, building or structure (4-3-2(C))</u>	\$75.00
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6. Violations with Respect to Public Sidewalks, Public Streets and Public Ways:

<u>Failure to remove rubbish or excavated material on public sidewalks or streets (4-2-7(H))</u>	\$75.00
<u>Unlawful deposit of debris (5-3-6(A))</u>	\$75.00

<u>Unlawful discharge of stormwater (5-3-6(B))</u>	\$75.00
<u>Unlawful discharge of wastewater (5-3-6(C))</u>	\$75.00

7. Violations with Respect to Pedestrians:

<u>Failure to yield right-of-way (8-5-1)</u>	\$75.00
<u>Improper crossing of roadway (8-5-2)</u>	\$75.00
<u>Failure to obey traffic control device (8-5-3)</u>	\$75.00
<u>Unlawful standing upon any sidewalk (8-5-4)</u>	\$75.00
<u>Improper use of crosswalks (8-5-5)</u>	\$75.00
<u>Improper use of highway rights-of-way (8-5-6)</u>	\$75.00
<u>Failure to yield to blind or hearing-impaired pedestrian (8-5-7)</u>	\$75.00
<u>Improper use of roller skates, coaster, toy vehicles, tricycle, skateboard or similar device upon any roadway (8-5-8)</u>	\$75.00

8. Violations with Respect to Weeds:

<u>Failure of owners of land within the Village to maintain such property free of: a) noxious weeds or b) weeds or plant growth in excess of 10 inches</u>	\$75.00
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9. Violations with Respect to The Construction of Buildings and Accessory Structures:

<u>Failing to purchase a building permit (4-2-10(A)) plus 2 times cost of permit</u>	\$75.00
<u>Unlawful conduct of construction activity during prohibited hours (4-2-18)</u>	\$75.00
<u>Failure to properly maintain fences (9-12-4(D)2(o))</u>	\$75.00

10. Violations with Respect to Water Usage:

<u>Unlawful sprinkling or other use of water (6-8-14)</u>	\$75.00
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11. Violations with Respect to Parks:

<u>Unlawful dumping or depositing trash or refuse (4-4-2(C))</u>	\$75.00
<u>Driving or parking any motor vehicle in prohibited areas (4-4-2(D))</u>	\$75.00
<u>Endangering the safety of any person (4-4-2(E))</u>	\$75.00
<u>Disturbing the peace (4-4-2(F))</u>	\$75.00
<u>Possession or consumption of alcoholic liquor (4-4-2(H) and (N))</u>	\$75.00
<u>Interference with use of parks (4-4-2(I))</u>	\$75.00

<u>Unlawful swimming, bathing or wading (4-4-2(J))</u>	\$75.00
<u>Unlawful conducting amusements or lessons (4-4-2(K))</u>	\$75.00
<u>Permitting prohibited animals into parks (4-4-2(L))</u>	\$75.00
<u>Vending, selling, peddling or offering to sell any commodity or article (4-4-2(M))</u>	\$75.00
<u>Unlawful usage of signs (4-4-2(O))</u>	\$75.00
<u>Violation of other rules and regulations (4-4-2(P))</u>	\$75.00
<u>Possession of golf clubs or golf balls (4-4-2(R))</u>	\$75.00
<u>Unlawful possession of baseball, "hard ball" (4-4-2(S))</u>	\$75.00
<u>Use, launch, navigate, moor, beach or otherwise park or locate any type of watercraft in parks or waters in parks (4-4-2(T))</u>	\$75.00
<u>Unlawful ice fishing (4-4-2(U))</u>	\$75.00
<u>Unlawful burning or improper disposal of substances (4-4-2(V))</u>	\$75.00
<u>Driving or operating all-terrain vehicles, go-carts or skateboards upon or across any park (4-4-2(W))</u>	\$75.00
<u>Engaging in recreational activity on any street, driveway or parking lot of any park (4-4-2(X))</u>	\$75.00
<u>Unlawful feeding of waterfowl (4-4-2(Y))</u>	\$75.00
<u>Presence in park during prohibited hours (4-4-3)</u>	\$75.00

12. Violations with Respect to Zoning:

<u>Failing to purchase sign permit (9-11-3)</u>	\$75.00
<u>Prohibited signs (9-11-4)</u>	\$75.00
<u>Temporary signs (9-11-5)</u>	\$75.00
<u>General standards for signs (9-11-9)</u>	\$75.00
<u>Violation of general provisions relating to signs with respect to signs located on property zoned for residential use (9-11-12(A))</u>	\$75.00
<u>Unlawful outdoor storage (9-12-3(A))</u>	\$75.00
<u>Conducting prohibited home occupations (9-12-8)</u>	\$75.00
<u>Failure to comply with home occupation standards (9-12-9)</u>	\$75.00

13. Violations with Respect to Certain Vehicles, Vehicle Loads and Equipment:

<u>Clinging to any vehicle or attaching a bicycle, coaster, roller skates, sled or toy vehicle to any vehicle upon any roadway (8-4-28)</u>	\$75.00
<u>Seat belts (8-4-36)</u>	\$75.00
<u>Use of headsets (8-4-37)</u>	\$75.00
<u>Child restraint system (8-4-38)</u>	\$75.00
<u>Use of headlamps (8-4-40)</u>	\$75.00
<u>Failure to notify Secretary of State (8-6-2)</u>	\$75.00
<u>Obstruction of driver's view or driving mechanism (8-7-1)</u>	\$75.00

<u>Stop lamps and turn signals (8-7-2)</u>	\$75.00
<u>Unusually loud vehicle (8-7-3)</u>	\$75.00
<u>Horns and warning devices (8-7-4)</u>	\$75.00
<u>Emission of smoke or fumes (8-7-5)</u>	\$75.00
<u>Brake equipment required (8-7-7)</u>	\$75.00
<u>Mufflers (8-7-8)</u>	\$75.00
<u>Lights required generally (8-7-9)</u>	\$75.00
<u>Oscillating, rotating or flashing lights (8-7-10)</u>	\$75.00
<u>Nonskid devices (8-7-11)</u>	\$75.00
<u>Tires (8-7-12)</u>	\$75.00
<u>Spilling loads (8-7-13)</u>	\$75.00
<u>Bicycle lamps, brakes, sirens (8-7-14)</u>	\$75.00
<u>Unsafe vehicles (8-7-15)</u>	\$75.00
<u>Engine braking (8-7-18)</u>	\$75.00
<u>No valid registration (8-7-19)</u>	\$75.00
<u>Improper display of license plates (8-7-20)</u>	\$75.00
<u>Expired registration (8-7-21)</u>	\$75.00
<u>Motorcycle special equipment (8-7-23)</u>	\$75.00
<u>Motorcycle required lamps (8-7-24)</u>	\$75.00
<u>No valid safety test (8-7-25)</u>	\$75.00

14. Violations with Respect to Animals and Fowl:

<u>Animals running at large (5-2-2)</u>	\$75.00
<u>Riding an animal (5-2-8)</u>	\$75.00
<u>Vaccination required (5-2-10)</u>	\$75.00
<u>Animals in heat (5-2-11)</u>	\$75.00
<u>Disturbing the peace (5-2-12)</u>	\$75.00
<u>Prohibited areas (5-2-13)</u>	\$75.00
<u>Certain prohibited acts (5-2-15(A))</u>	\$75.00

15. Violations with Respect to The Smoking Regulations:

<u>Smoking in an area where prohibited (6-10-9(A)1)</u>	\$75.00
<u>Certain other prohibited acts (6-10-9(A)2)</u>	\$125.00

SECTION TWO: All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION THREE: That this Ordinance shall be in full force and effect on January 1, 2020 and from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED and APPROVED this 25th day of November, 2019.

ROLL CALL VOTE: AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

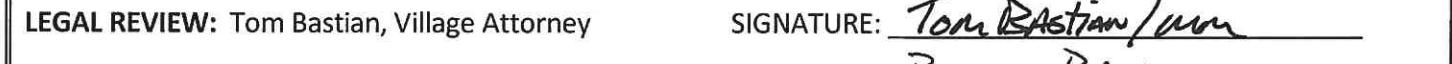
ATTEST:

Leroy R. Hansen,
Village Clerk

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:	AGENDA NO.
An Ordinance amending Title 9, Entitled "Zoning Title of the Village", of the Willowbrook Municipal Code of the Village of Willowbrook to add "Video Gaming Café" as a new permitted use in the B-2, B-3 and B-4 Zoning Districts, add "Video Gaming Café" as a new definition, amend the current definition of "Restaurant", and add new use categories "Similar and compatible uses" to the B-1, B-2, B-3 and B-4 Zoning Districts.	9

STAFF REVIEW: Ann Choi, Planning Consultant	SIGNATURE: 
LEGAL REVIEW: Tom Bastian, Village Attorney	SIGNATURE: 
RECOMMENDED BY: Brian Pabst, Village Administrator	SIGNATURE: 

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

This Village-initiated text amendment was brought about because of an increase in public inquiries by several local business owners who have expressed an interest in opening an establishment whose principal use is video gaming. The Village currently does not distinguish between video gaming cafés and restaurants that have video gaming as an ancillary use to their main business. The proposed text amendment would introduce a new "video gaming café" use that would be a standalone establishment in the Village with the service of alcohol and food as incidental to the operation of video gaming. Staff also proposed to redefine the definition of restaurant to eliminate any ambiguity from the video gaming café use. Staff also proposed the introduction of new use categories "Similar and compatible uses" to capture uses that are not explicitly enumerated in the list of permitted and special uses in the Zoning Code. The new use category would alleviate the Village from amending the Zoning Code each time the Village encounters a similar or compatible use that is not listed in the Zoning Code, and would reduce the number of text amendments (and Staff time) devoted to the text amendment process.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

The Village's petition was discussed at the November 6, 2019 special meeting of the Plan Commission. There were no members of the public that came forward in support or opposition of the proposed text amendments. The Plan Commission's vote was unanimous in recommending approval of the proposed text amendments. The Plan Commission recommended allowing the video gaming café use as a permitted use, rather than a special use, in the B-2, B-3 and B-4 zoning districts. However, the Plan Commission did not agree with the $\frac{1}{2}$ mile distance limitation between video gaming cafés and would like the Village Board to consider eliminating this restriction when it considers amendments to the Willowbrook Video Gaming Code and Liquor Code.

The Plan Commission did not express any opposition to the remaining proposed text amendments, the revised definition of restaurant and the introduction of the new use categories "Similar and compatible uses" to the list of permitted and special uses in the business zoning districts. The Plan Commission voted 7-0 in favor of the proposed text amendments, with the exception of the $\frac{1}{2}$ mile distance limitation between video gaming cafés, to forward a positive recommendation to the Village Board.

ACTION PROPOSED: November 11, 2019: Receive Plan Commission Recommendation.
November 25, 2019: Consideration of Attached Ordinance.



Village of Willowbrook

Staff Report to the Village Board

Village Board:

Receive November 11, 2019
Ordinance Consideration November 25, 2019

Public Hearing Date: November 6, 2019

Prepared By: Ann Choi, Planning Consultant

Case Title:

PC 19-09: Consideration of a petition for text amendments to amend Sections 9-6B-1 (or 9-6B-2), 9-6C-1 (or 9-6C-2) and 9-6D-1 (or 9-6D-2) of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Café" as a new permitted or special use in the B-2, B-3 and B-4 Zoning Districts; to amend Section 9-2-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Café" as a new definition and to amend the current definition of "Restaurant"; and to add new use categories in Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code.

Petitioner: Village of Willowbrook, 835 Midway Drive, Willowbrook, Illinois 60527

**Action Requested
By Applicant:** Title 9 – Zoning Sections:

9-2-2	Definitions (Add "Video Gaming Café").
9-2-2	Definitions (Amend the current definition of "Restaurant").
9-6B-1 (or 9-6B-2)	Add "Video Gaming Café" to Section 9-6B-1 (as a permitted use) OR to Section 9-6B-2 (as a special use) of the Zoning Ordinance in the appropriate alphabetical location.
9-6C-1 (or 9-6C-2)	Add "Video Gaming Café" to Section 9-6C-1 (as a permitted use) OR to Section 9-6C-2 (as a special use) of the Zoning Ordinance in the appropriate alphabetical location.
9-6D-1 (or 9-6D-2)	Add "Video Gaming Café" to Section 9-6D-1 (as a permitted use) OR to Section 9-6D-2 (as a special use) of the Zoning Ordinance in the appropriate alphabetical location.
9-6A-1	Add a new use category "Similar and compatible uses which are of the same general character as the above permitted uses.
9-6B-1	Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."
9-6C-1	to the list of permitted uses in the B-1, B-2, B-3 and B-4 zoning districts.
9-6D-1	to the list of special uses in the B-1, B-2, B-3 and B-4 zoning districts.
9-6A-2	Add a new use category "Similar and compatible uses which are of the same general character as those allowed as special uses in the [corresponding zone] zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee." to the list of special uses in the B-1, B-2, B-3 and B-4 zoning districts.
9-6B-2	
9-6C-2	
9-6D-2	

**Necessary Action by
Village Board:**

November 25, 2019: Consideration of Attached Ordinance.



Documents Attached: **Attachment 1: Public Hearing Notice (2 sheets)**

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History & Background

The Illinois Video Gaming Act was enacted on July 13, 2009, authorizing individual municipalities to pass an ordinance prohibiting video gaming within their jurisdiction. At the time, Willowbrook had an ordinance prohibiting all forms of gambling, which also prohibited video gambling. In June 2013, the Village Board was asked to reconsider this ban on video gaming by the owner of Dell Rhea's Chicken Basket on behalf of various Willowbrook restaurant owners. On July 29, 2013, the Village Board further discussed the Illinois Video Gaming Act. An ordinance was subsequently drafted that amended the Village Code to remove the current prohibition and authorize and license video gaming. When permitted by the local jurisdiction, the state law allows a current licensed establishment (i.e., a retail establishment that holds a Village liquor license allowing consumption on premises) to install up to six (6) Video Gaming Terminals (VGTs) located within an area of the establishment restricted to persons 21 years of age and older. The state would issue the video gaming licenses to establishments, and the Village would issue a local license. If a complaint was received regarding underage gambling, etc., the Village would have the authority through the Liquor Code to bring the license before the liquor commissioner for a hearing on the violation. If the violation was confirmed, the Village would then report the violation to the state. The state then has the authority to revoke their gaming license. Ordinance No. 13-O-31, permitting video gaming within a retail establishment that holds a Village liquor license, was approved by the Village Board in August 2013.

Video gaming in Willowbrook has thus currently been allowed only at establishments that have a liquor license, and these establishments' primary use is a restaurant or bar, not video gaming. The original intent of the video gaming ordinance was for existing establishments such as bars, taverns and restaurants who wanted to have video gambling to remain competitive with businesses in surrounding communities that already allowed video gaming.

On August 3, 2016, the Plan Commission reviewed a petition to allow video gaming as a special use in the B-2 zoning district concurrently with a text amendment request to allow video gaming as a principal use. The Plan Commission recommended approval on both petitions with a 6-0 unanimous roll call vote of the members present. At the time, due to the number of residents who were not in favor of this use in the community, the Village Board ultimately denied the ordinance that would allow video gaming as a principal use.

Discussion of Request

This Village-initiated text amendment was brought about because of an increase in public inquiries by several local business owners who have expressed an interest in opening an establishment whose principal use is video gaming. The Village currently does not distinguish between video gaming cafés and restaurants that have video gaming as an ancillary use to their main business. The proposed text amendment would introduce a new "video gaming café" use that would be a standalone establishment in the Village with the service of alcohol and food as incidental to the operation of video gaming. The Village found that video gaming establishments which served liquor and packaged foods such as chips could *technically* still fall under the restaurant use category because it served food. (Staff felt that the video gaming café use should be differentiated from the restaurant use, and that the definition of restaurant should be revised to be more specific.) Local and State gaming licenses would still need to be obtained, but video gaming would be the primary use of the business as opposed to a restaurant or bar.

The Village will be presenting amendments to the Willowbrook Video Gaming Code and Liquor Code tentatively at the November 11, 2019 meeting in conjunction with the above text amendments. The additional liquor license classifications will be tied to restaurants with gaming and one for video gaming cafés. The new liquor licenses will provide the Village of Willowbrook additional controls to regulate the proliferation of these types



of uses in the Village. As part of this text amendment, minimum distances (minimum of $\frac{1}{2}$ mile) between video gaming cafés will also be proposed.

Under the Video Gaming Act:

1. Video gaming is restricted from the following locations:
 - a. 1,000 feet of a facility operated by an organization licensee, inter-track wagering licensee, or inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 (230 ILCS 5/1 et seq. (West 2008)) (the Board may waive this restriction in certain circumstances);
 - b. 1,000 feet of the home dock of a riverboat licensed under the Riverboat Gambling Act (230 ILCS 10/1 et seq. (West 2008)) (the Board may waive this restriction in certain circumstances); or
 - c. 100 feet of either a school or a place of worship under the Religious Corporation Act (805 ILCS 110/0.01 et seq. (West 2008)).
2. Up to six (6) VGTs may be placed at each Licensed Video Gaming Location.
3. VGTs must be located in an area restricted to persons 21 years of age and over, the entrance to which is within the view of at least one employee who is at least 21 years of age. The placement of VGTs in Licensed Video Gaming Locations shall be subject to section 810 of the Video Gaming Rules. For all Locations that restrict admittance to patrons 21 years of age or older, a separate restricted area is not required. For all Locations that admit individuals under the age of 21, a physical barrier to the gaming area, including but not limited to a short partition, gate or rope shall be required. No barrier shall visually obscure the entrance to the gaming area from an employee of the Location who is over the age of 21.
4. The hours of operation of a VGT must coincide with the legal hours of operation for the consumption of alcoholic beverages on the premises.

Parking Analysis

Potential uses requesting occupancy of a new location are always evaluated as to whether adequate parking is provided on site. Although the Zoning Code does not specifically identify parking requirements for video gaming cafe's, Staff finds that the most appropriate parking requirement would be listed under "Other Business and Commercial Enterprises" in Chapter 10 of the Zoning Ordinance, which requires a lower parking ratio of 1 space per 250 square feet of floor area, as opposed to higher parking requirements for restaurants or fast-food establishment (1 space per 100 square feet of floor area). It is expected that a video gaming café will be more "restaurant" in nature but with a low patron turnover rate, where customers will come to the site, enter a "storefront, and sit down for an extended period of time. Other employees will also be available on the site. A future video gaming use(s) is anticipated to be located within a shopping center, which commands a parking requirement of 1 space per 250 square feet of floor area which is also consistent with the parking ratio required under "Other Business and Commercial Enterprises". Therefore, Staff is recommending a parking ratio of 1 parking space per 250 square feet of floor area under the "Other Business and Commercial Enterprises" in Chapter 10 of the Zoning Ordinance.

Obtaining a Valid License to Operate a Video Gaming Café

The process to open a licensed video gaming café in the Village of Willowbrook is as follows:

1. Applicant meets with Village Staff for an internal zoning review (1 day)
2. Applicant applies for Liquor License & Gaming License (varies)
3. Village Reviews application and performs background check (2 weeks)
4. Applicant meets with Liquor Commissioner or Designee (1 day)
5. Village Board consideration of Liquor License (2-4 weeks)



6. Applicant Applies for Building Permit (3-5 weeks)
7. Applicant Applies for Business License (varies)
8. Liquor License, Business License, Business License is issued with Occupancy Permit (varies)

Staff estimates it may take up to three months to obtain a valid liquor license.

Definitions of Restaurant and Video Gaming Café

The Village does not currently distinguish between video gaming cafés and restaurants that have video gaming as an ancillary use to their main business. Staff recommends that the Plan Commission consider refining the current definition of restaurant and introduce a new definition for video gaming cafés for added clarity between these two uses. The current definition of restaurant in the zoning code is as follows: "a retail establishment serving individual or group servings of food and/or drink to patrons for consumption on the premises and having a service and seating area (including bars and cocktail lounges) of at least twice the area of the food preparation area. The definition of restaurant shall not include fast food establishments as otherwise defined in this Code." A video gaming café that serves packaged foods could technically fall under this current definition of restaurant; therefore, Staff recommends that the revised definition of restaurant ensures that the cooking and preparation of foods through the use stoves, ovens, fryers and related equipment are principal functions of the restaurant use. In contrast, the service of alcohol and food would incidental to the operation of video gaming.

New Use Category - Similar and Compatible Uses

The proposed text amendments will also introduce new use categories to Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 – Zoning Title that would create a catch all use category "Similar and compatible uses" for those uses that are not listed as a permitted use or special use in the business zoning districts. The determination of what constitutes "similar and compatible" shall be made by the Village Administrator or his/her authorized designee. The new use category would alleviate the Village from amending the Zoning Code each time the Village encounters a similar or compatible use that is not listed in the Zoning Code.

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Proposed Amendments

1. Add the following definition to Section 9-2-2:

"VIDEO GAMING CAFÉ:

An establishment whose primary or major focus is video gaming and the service of alcohol and food is incidental to the operation of video gaming."

2. Delete the following definition of "Restaurant" in its entirety in Section 9-2-2 and in lieu thereof, the following language shall be substituted:

"RESTAURANT:

A retail establishment that is kept, used, maintained, advertised, and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers, and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with the Village Code. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen packaged food shall not be considered food prepared and served on premises, as required herein."

3. Add "*Video Gaming Café*" to the following sections of the Zoning Ordinance in the appropriate alphabetical location:

Section 9-6B-1 as a permitted use (or Section 9-6B-2 as a special use) in the B-2 zoning district.

Section 9-6C-1 as a permitted use (or Section 9-6C-2 as a special use) in the B-3 zoning district.

Section 9-6D-1 as a permitted use (or Section 9-6D-2 as a special use) in the B-4 zoning district.

4. Add the following new use category to Sections 9-6A-1, 9-6B-1, 9-6C-1, and 9-6D-1 of the Zoning Ordinance as the final use category under the list of permitted uses:

"Similar and compatible uses which are of the same general character as the above permitted uses, as determined by the Village Administrator or his/her authorized designee."

5. Add the following new use category to Section 9-6A-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-1 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."

6. Add the following new use category to Section 9-6B-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-2 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."

7. Add the following new use category to Section 9-6C-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-3 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."



8. Add the following new use category to Section 9-6D-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-4 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."

Public Hearing and Recommendation

The Plan Commission conducted a public hearing on this petition at their November 6, 2019 meeting. The following members were in attendance: Chairman Dan Kopp, Vice Chairman Wagner, Commissioners Ruffalo, Kaucky, Soukup, Remkus and Walec. There were no members of the public that came forward with public comments.

The Plan Commission's vote was unanimous in recommending approval of the proposed text amendments. The commissioners noted that they had reviewed a similar request in regards to the video gaming use in 2016 and acknowledged that the Village Board ultimately did not agree with their 2016 recommendation to allow the video gaming café use in the Village. Chairman Kopp expressed support for the video gaming café use, and agreed with Staff's recommendation to assign the video gaming café as a permitted use. However, the Chairman did not agree with the $\frac{1}{2}$ mile distance limitation between video gaming cafés since it would be protecting one business, particularly a video gaming café that was the first to open. Vice Chairman Wagner concurred.

The Plan Commission did not express any opposition to the remaining proposed text amendments, the revised definition of restaurant and the introduction of a new use category "Similar and compatible uses" to the list of permitted and special uses in the business zoning districts. The Plan Commission voted 7-0 in favor of the proposed text amendments, with the exception of the $\frac{1}{2}$ mile distance limitation between video gaming cafés, to forward a positive recommendation to the Village Board.

Staff Recommendation

Staff believes the requirement of a special use within the business zoning districts would be too onerous of a process for potential applicants wishing to open up a video gaming café within the Village. The special use approval process will require notification of surrounding property owners and a public hearing before the Plan Commission which can be a minimum 60-day process at a minimum. Permitted uses, on the other hand, would allow applicants to fill out an application and be approved with a building license or permit. Video gaming cafés would further be subject to the consideration of a liquor license and approval by the Village Board.

The Plan Commission would be limited in the types of conditions it could impose on a video gaming café, as the Plan Commission does not have the authority to limit the hours of operation, the number of video gaming terminals, the number of licenses, or set license fees. These would be under the purview of the Village Board. Additionally, Staff will propose amendments to the Willowbrook Video Gaming Code and Liquor Code to regulate these establishments by introducing a liquor license tied exclusively to video gaming cafés, limiting the number of these licenses and proposing a minimum distance between video gaming cafés. Given these reasons and the fact that the State already heavily regulates these types of businesses, Staff does not recommend that the video gaming café to be assigned as a special use.

Staff also recommends approval of the new use categories "Similar and compatible uses" to capture uses that are not explicitly enumerated in the list of permitted and special uses in the Zoning Code. This will reduce the



number of text amendments (and Staff time) devoted to the text amendment process. The determination of what constitutes "similar and compatible" shall be made by the Village Administrator or his/her authorized designee. Any ambiguous use that is not contemplated by the zoning code will be further discussed between Village departments before determining if said use would require the initiation of a text amendment.

The following sample motion was provided in the staff report for the Plan Commission:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 6 and 7 of the Staff Report for PC Case Number 19-09 to define and allow "Video Gaming Café" as a (CHOOSE "PERMITTED" OR "SPECIAL") use in the B-2, B-3 and B-4 Zoning Districts, to amend the current definition of "restaurant", and to add new use categories "Similar and compatible uses" to the list of permitted and special uses in the business zoning districts.

The following motion made by Remkus was seconded by Walec and approved on a unanimous 7-0 roll call vote of the members present:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 6 and 7 of the Staff Report for PC Case Number 19-09 to define and allow "Video Gaming Café" as a permitted use in the B-2, B-3 and B-4 Zoning Districts, with the exception that the $\frac{1}{2}$ mile distance limitation between video gaming cafés be deleted, to amend the current definition of "restaurant", and to add new use categories "Similar and compatible uses" to the list of permitted and special uses in the business zoning districts.



Attachment 1
Public Hearing Notice (2 Sheets)

NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 19-09

NOTICE is hereby given that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, shall conduct a public hearing at a special meeting of the Plan Commission on the 6th of November, 2019 at the hour of 7:00 P.M. in the Willowbrook Police Department Training Room, 7760 South Quincy Street, Willowbrook, IL 60527.

The purpose of this public hearing shall be to consider a petition for text amendments to amend Sections 9-6B-1 (or 9-6B-2), 9-6C-1 (or 9-6C-2) and 9-6D-1 (or 9-6D-2) of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add “Video Gaming Cafe” as a new permitted use or special use in the B-2, B-3 and B-4 Zoning Districts; to amend Section 9-2-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add “Video Gaming Café” as a new definition and to amend the current definition of “Restaurant”; and to add new use categories “similar and compatible uses” in Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code.

A copy of the Village’s petition is on file in the Office of the Village Planner, Village of Willowbrook, 835 Midway, Willowbrook, Illinois, and is available for public inspection.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Willowbrook should contact Roy Giuntoli, Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2262, Monday through Friday, between 8:30 A.M. and 4:30 P.M., within a reasonable time before the meeting. Requests for sign language interpreters should be made a minimum of five working days in advance of the meeting.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. This hearing may be recessed to another date if not concluded on the evening scheduled.

/s/ Brian Pabst
Village Administrator

(630) 920-2261

Published in the October 21, 2019 edition of *The Chicago Sun Times* Newspaper.

ORDINANCE NO. 19-O-_____

AN ORDINANCE AMENDING TITLE 9, ENTITLED "ZONING TITLE OF THE VILLAGE", OF THE WILLOWBROOK MUNICIPAL CODE OF THE VILLAGE OF WILLOWBROOK

(Add "Video Gaming Café" as a new Permitted Use in the B-2, B-3 and B-4 Zoning Districts, add "Video Gaming Café" as a new definition, amend the current definition of "Restaurant", and add new use categories "Similar and compatible uses" to the B-1, B-2, B-3 and B-4 Zoning Districts.)

WHEREAS, the Village of Willowbrook, an Illinois home rule municipal corporation (the "Village"), has adopted certain municipal regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people, which regulations are codified in the Willowbrook Municipal Code, as amended; and,

WHEREAS, the Village of Willowbrook maintains a zoning ordinance which is found in Title 9, entitled "Zoning Title of the Village", of the Willowbrook Municipal Code (the "Zoning Ordinance"); and,

WHEREAS, the Village Board deems it reasonable to periodically review the Zoning Ordinance and make necessary changes; and,

WHEREAS, on August 15, 2019, the Village initiated an amendment to the Zoning Ordinance to add "Video Gaming Café" as a permitted use in the B-2, B-3 and B-4 Zoning Districts, add "Video Gaming Café" as a new definition, amend the current definition of "Restaurant", and add new use categories "Similar and compatible uses" to the B-1, B-2, B-3 and B-4 Zoning Districts; and,

WHEREAS, a public notice was published in compliance with Section 9-15-3(A) of the Zoning Ordinance, in the Chicago Sun Times on October 21, 2019, which is more than fifteen (15) days but less than thirty (30) days prior to the public hearing date; and,

WHEREAS, pursuant to the public notice, the Plan Commission of the Village of Willowbrook conducted a public hearing on or about November 6, 2019, all as required by the statutes of the State and the ordinances of the Village; and,

WHEREAS, at the public hearing, the applicant provided testimony in support of the proposed amendments to the Zoning Ordinance, and all interested parties had an opportunity to be heard; and,

WHEREAS, the Mayor and Board of Trustees of the Village of Willowbrook (the "Corporate Authorities") have received the recommendation of the Plan Commission pursuant to a memorandum dated November 11, 2019; and,

WHEREAS, the Corporate Authorities of the Village have recognized the need to regulate video gaming cafés, amend the definitions for this purpose, and introduce new use categories to the list of permitted and special uses in the business zoning districts, and after careful study and consideration have developed this Ordinance to accomplish these objectives; and,

WHEREAS, the Corporate Authorities of the Village have determined that the proposed text amendments aforementioned are in accordance with the regulations contained in this Ordinance will serve these substantial governmental and community interests; and,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION ONE: That Title 9, Chapter 2, Section 9-2-2 of the Zoning Ordinance is hereby amended to add the following definition in alphabetical order:

"VIDEO GAMING CAFÉ:

An establishment whose primary or major focus is video gaming as authorized by the Video Gaming Act (230 ILCS 40/1 *et seq.* and the

service of alcohol and food is incidental to the operation of video gaming.”

SECTION TWO: That Title 9, Chapter 2, Section 9-2-2 of the Zoning Ordinance is hereby amended by deleting the following definition in its entirety and in lieu thereof, the following language shall be substituted:

“RESTAURANT:

A retail establishment that is kept, used, maintained, advertised, and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers, and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with the Village Code. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen packaged food shall not be considered food prepared and served on premises, as required herein.”

SECTION THREE: That Title 9, Chapter 6B, Section 9-6B-1; Title 9, Chapter 6C, Section 9-6C-1; and Title 9, Chapter 6D, Section 9-6D-1 are all hereby amended to add the following:

“Video Gaming Café”

SECTION FOUR: That Title 9, Chapter 6A, Section 9-6A-1; Title 9, Chapter 6B, Section 9-6B-1; Title 9, Chapter 6C, Section 9-6C-1; and Title 9, Chapter 6D, Section 9-6D-1 are all hereby amended to add the following:

“Similar and compatible uses which are of the same general character as the above permitted uses. Determination of whether a particular use is a similar and compatible use shall be made by the Village Administrator or his/her authorized designee.

SECTION FIVE: That Title 9, Chapter 6A, Section 9-6A-2 is hereby amended to add the following:

“Similar and compatible uses which are of the same general character as those allowed as special uses in the B-1 zoning district. Determination of

whether a particular use constitutes a similar and compatible use shall be made by the Village Administrator or his/her authorized designee.”

SECTION SIX: That Title 9, Chapter 6B, Section 9-6B-2 is hereby amended to add the following:

“Similar and compatible uses which are of the same general character as those allowed as special uses in the B-2 zoning district. Determination of whether a particular use constitutes a similar and compatible use shall be made by the Village Administrator or his/her authorized designee.”

SECTION SEVEN: That Title 9, Chapter 6C, Section 9-6C-2 is hereby amended to add the following:

“Similar and compatible uses which are of the same general character as those allowed as special uses in the B-3 zoning district. Determination of whether a particular use constitutes a similar and compatible use shall be made by the Village Administrator or his/her authorized designee.”

SECTION EIGHT: That Title 9, Chapter 6D, Section 9-6D-2 is hereby amended to add the following:

“Similar and compatible uses which are of the same general character as those allowed as special uses in the B-4 zoning district. Determination of whether a particular use constitutes a similar and compatible use shall be made by the Village Administrator or his/her authorized designee.”

SECTION NINE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SECTION TEN: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED and **APPROVED** this 25th day of November, 2019.

ROLL CALL VOTE: AYES: _____

 NAYS: _____

 ABSTENTIONS: _____

 ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Leroy R. Hansen,
Village Clerk

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

AN ORDINANCE AMENDING SECTION 3-12-2 ENTITLED "DEFINITIONS", SECTION 3-12-5 ENTITLED "CLASSIFICATIONS", AND SECTION 3-12-15 ENTITLED "CONSUMPTION ON PREMISES:" OF CHAPTER 12 ENTITLED "LIQUOR", OF TITLE 3 ENTITLED "BUSINESS" OF THE VILLAGE CODE OF ORDINANCES OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

AGENDA NO. 10.

AGENDA DATE:
11/25/19

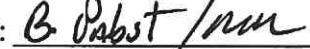
STAFF REVIEW: Mike Mertens, Assistant Village Administrator

SIGNATURE: 

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: 

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: 

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

The Village currently allows Video Gaming within the community. The Village currently has three (3) businesses with video gaming operations; Dell Rhea's Chicken Basket, Madison's Pub & Grill, and Stats Sports Bar. These establishments currently have a B-Liquor License through the Village. The current B-Liquor License has a fee of \$2,500 annually.

Staff has received a few inquiries regarding video gaming cafes within the community. The Village does not currently distinguish between video gaming cafes and restaurants that have video gaming as an ancillary use to their main business. The Village does not have any regulations that would limit the location or quantity of video gaming cafes, should it desire to do so.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

At August 12, 2019, Finance and Administration Committee, staff recommended the Committee consider the following items be clarified to provide a more controlled environment as it pertains to Video Gaming establishments.

- 1) **Define: Restaurant** - A retail establishment that is kept, used, maintained, advertised, and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers, and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with the Village Code. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen packaged food shall not be considered food prepared and served on premises, as required herein.
- 2) **Define: Video Gaming Café** as an establishment where primary or major focus in video gaming was authorized by the Video Gaming Act (230 ILCS 40/1, *et. seq*) and the service of alcohol is incidental to the operation of video gaming.
- 3) Create a new **Video Gaming Café Liquor License, Class O**, at \$5,000.00 per establishment location.
 - a. Class O license shall authorize video gaming and the retail sale on the specified premises of alcoholic liquor for consumption on said premises, when the primary business conducted upon said premises is that of a Video Gaming Café where the expected revenue to be at least 60% of its gross revenue on an annual basis exclusively from video gaming activities as defined herein.

- 4) Create a new **Restaurant Gaming Liquor License, Class P, at \$5,000.00 per establishment location.**
 - a. Class P license shall authorize video gaming and the retail sale on the specified premises of alcoholic liquor for consumption on said premises, when the primary business conducted upon said premises is that of a Restaurant as defined herein.
- 5) **Video Gaming Licenses shall be Prohibited in Nail Salons and Spas** that have obtained a Class N Liquor License.

The three establishments that currently have gaming, Dell Rhea's Chicken Basket, Madison's Pub & Grill, and Stats Sports Bar, would be required to obtain a new Class O, Restaurant Gaming Liquor License and their fee would increase from \$2,500 annually to \$5,000 annually.

A new Video Gaming Café prospect would be required to request a new Class P, Video Gaming Café Liquor License, and granting of this license would be at the discretion of the Village Board.

The establishment of refined definitions, distant separations for gaming cafes, enhanced fees in the new gaming ordinance along with new gaming / liquor classifications will provide the Village with more regulatory control over the type and location of video gaming within the community.

ACTION PROPOSED: Adopt Ordinance

ORDINANCE NO. 19-0—

**AN ORDINANCE AMENDING SECTION 3-12-2 ENTITLED “DEFINITIONS”,
SECTION 3-12-5 ENTITLED “CLASSIFICATIONS”, AND SECTION 3-12-15
ENTITLED “CONSUMPTION ON PREMISES:” OF CHAPTER 12 ENTITLED
“LIQUOR”, OF TITLE 3 ENTITLED “BUSINESS”
OF THE VILLAGE CODE OF ORDINANCES OF THE VILLAGE OF
WILLOWBROOK, DUPAGE COUNTY, ILLINOIS**

WHEREAS, the corporate authorities of the Village of Willowbrook, are expressly authorized, pursuant to Section 4-1 of the Illinois Liquor Control Act (235 ILCS 5/4-1), to regulate the number, classification and license fees authorizing the retail sale of alcoholic liquor in the Village; and

WHEREAS, the corporate authorities of the Village of Willowbrook, have determined that it is proper and in the best interest of the Village to create a new license classification for the retail sale of alcoholic liquor in the Village for consumption on and off the licensed premises.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION ONE: Section 3-12-2 entitled “Definitions” of Chapter 12, entitled “Liquor”: of Title 3 entitled “Business Regulations”, as amended, is hereby further amended by adding the following to Section 3-12-2 in proper alphabetical order:

“Restaurant” means a retail establishment that is kept, used, maintained, advertised, and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers, and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with the Village Code. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen packaged food shall not be considered food prepared and served on premises, as required herein.

“Video Gaming Café” means an establishment where primary or major focus is video gaming as authorized by the Video Gaming Act (230 ILCS 40/1, *et. seq*) and the service of alcoholic liquor is incidental to the operation of video gaming.”

SECTION TWO: Section 3-12-5 entitled: “Classifications,” of Chapter 12 entitled “Liquor,” of Title 3 entitled “Business Regulations” of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois, as amended, is further amended by adding the following:

“(O) Class O License: Class O license shall authorize video gaming and the retail sale on the licensed premises of alcoholic liquor for consumption on licensed premises of a video gaming café as herein defined. The annual fee for a Class O license shall be five thousand dollars (\$5,000.00). There shall be no more than zero (0) Class O licenses issued at any one time.

(P) Class P License: Class P license shall authorize video gaming and the retail sale on the licensed premises of alcoholic liquor for consumption on the licensed premises of a restaurant as herein defined. The annual license fee for a Class P license shall be five thousand dollars (\$5,000.00). There shall be no more than three (3) Class P licenses issued at any one time.”

The following language shall be added at the end of Section 3-12-5(N):

“Video gaming shall not be permitted on the premises of a Class N liquor license.”

SECTION THREE: The remaining provisions of section 3-12-5 shall remain in full force and effect and unamended by this ordinance.

SECTION FOUR: Section 3-12-15 entitled “Consumption on Premises” of Chapter 12 entitled “Liquor” of Title 3 entitled “Business”, as amended, is hereby further amended, to read as follows:

“3-12-15: Consumption on Premises:

It shall be unlawful for anyone not having a Class B, B-2, C, D, F, G, H, I, J, K, L, N, O or P license to sell or offer for sale any alcoholic liquor for consumption on the premises where sold, or to permit the same to be consumed on the premises where sold, except for taste sampling promotions.”

SECTION FIVE: Any ordinance or a portion of any ordinance in conflict with the provisions hereof is hereby repealed solely to the extent of said conflict.

SECTION SIX: This Ordinance shall be in full force and effect on January 1, 2020 and after its passage and approval in the manner provided by law.

PASSED and APPROVED this 25th day of November, 2019.

ROLL CALL VOTE: AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Leroy R. Hansen,
Village Clerk

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

AN ORDINANCE AMENDING SECTION 3-1A-1 OF CHAPTER 1A OF TITLE 3
AND CHAPTER 19A OF TITLE 3 OF THE VILLAGE CODE OF ORDINANCES
OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

AGENDA NO. 11.

AGENDA DATE:
11/25/19

STAFF REVIEW: Mike Mertens, Assistant Village Administrator

SIGNATURE: 

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: 

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: 

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

The Village currently allows Video Gaming within the community. The Village currently has three (3) businesses with video gaming operations; Dell Rhea's Chicken Basket, Madison's Pub & Grill, and Stats Sports Bar. Each of the establishments has five (5) video gaming terminals per location. The Village currently charges a license fee of twenty-five dollars (\$25.00) per terminal plus the corresponding liquor license per location.

Staff has received a few inquiries regarding video gaming cafes within the community. The Village does not currently distinguish between video gaming cafes and restaurants that have video gaming as an ancillary use to their main business. The Village does not have any regulations that would limit the location or quantity of video gaming cafes, should it desire to do so.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

At August 12, 2019, Finance and Administration Committee, staff recommended the Committee consider the following items be clarified to provide a more controlled environment as it pertains to Video Gaming establishments.

- 1) **Define: Restaurant** - A retail establishment that is kept, used, maintained, advertised, and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers, and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with the Village Code. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen packaged food shall not be considered food prepared and served on premises, as required herein."
- 2) **Define: Video Gaming Café** as an establishment where primary or major focus in video gaming was authorized by the Video Gaming Act (230 ILCS 40/1, *et. seq*) and the service of alcohol is incidental to the operation of video gaming.
 - a. 2,640 linear feet (1/2 mile) separation between Video Gaming Cafes.

3) Adjust gaming license fee from \$25 / terminal to the following:

- a. **Establish an Application Fee:** In connection with the **first application** of any person applying for a license, said person shall pay at the time of such application a non-refundable initial license application fee of **\$1,500.00** in addition to the license fees required in this Chapter. The license application fee shall be for the purpose of defraying any and all costs which the Village may incur as a result of the consideration and investigation of said application and applicant(s). This initial license application fee shall be retained by the Village regardless of whether or not person/applicant is granted a license.
- b. **Adjust Terminal Fee:** The annual video gaming terminal fee shall be **\$500.00 for each video gaming terminal** on a licensed premise.

4) The Village will allow up to **6 Video Terminals per establishment** as allowed by the new State legislation.

The establishment of refined definitions, distant separations for gaming cafes, enhanced fees and new gaming / liquor classifications will provide the Village with more regulatory control over the type and location of video gaming within the community.

ACTION PROPOSED: Adopt Ordinance

ORDINANCE NO. 19-0-_____

**AN ORDINANCE AMENDING SECTION 3-1A-1 OF CHAPTER 1A OF TITLE 3 AND
CHAPTER 19A OF TITLE 3 OF THE VILLAGE CODE
OF ORDINANCES OF THE VILLAGE OF WILLOWBROOK,
DUPAGE COUNTY, ILLINOIS**

WHEREAS, the Illinois General Assembly enacted the Video Gaming Act (230 ILCS 40/1 *et seq.*) which authorizes video gaming in certain on-premise retail liquor licensed establishments, fraternal establishments and veterans' establishments; and

WHEREAS, the corporate authorities of the Village of Willowbrook have determined that it is advisable, necessary and in the best interest of the Village to authorize and regulate, consistent with the Video Gaming Act (230 ILCS 40/1 *et seq.*), the operation of video gaming terminals within the Village;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION ONE: The recitals set forth above are incorporated as if fully restated herein.

SECTION TWO: Section 3-1A-1, entitled "Fees Enumerated," of Chapter 1A, entitled "License Fees," of Title 3, entitled "Business," of the Village Code of the Village of Willowbrook, as amended, is further amended by amending subsection 3-1A-1(36) to read as follows:

"36 Video Gaming License \$500.00 per machine per year"

The remaining provisions of Section 3-1A-1 shall remain in full force and effect and unamended by this Ordinance.

SECTION THREE: Title 3, entitled “Business,” of the Village Code of the Village of Willowbrook, as amended, is hereby further amended by amending, in its entirety, Chapter 19A, entitled “Video Gaming,” to read as follows:

“Chapter 19A VIDEO GAMING

3-19A-1 Definitions.

As used in this Chapter 19A, the following terms shall have the following meanings:

- (A) “Applicant” means a person applying for a video gaming license under this Chapter 19A.
- (B) “Code” means the Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois.
- (C) “Fraternal organization” means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code.
- (D) “Game” means a gambling activity that is played for money, property or anything of value, including without limitation, those played with cards, chips, tokens, vouchers, dice, implements, or electronic, electrical or mechanical devices or machines.
- (E) “Illinois Gaming Board” means the board created by the Illinois legislature to regulate video gaming by the State of Illinois.
- (F) “Licensed establishment” means any retail liquor licensed premise in the Village where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises.
- (G) “Licensed fraternal establishment” means the location in the Village where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.
- (H) “Licensed terminal handler” means a person, including, but not limited to, an employee or independent contractor working for a manufacturer, distributor, supplier, technician, or Terminal Operator, who is licensed under the Video Gaming Act to possess or control a Video Gaming Terminal or to have access to the inner workings of a Video Gaming Terminal. A licensed terminal handler does not include an individual, partnership, corporation, or limited liability company defined as a manufacturer, distributor, supplier, technician, or Terminal

Operator under the Video Gaming Act.

- (I) “Licensed veterans’ establishment” means the location in the Village where a qualified veterans’ organization that derives its charter from a national veterans’ organization regularly meets.
- (J) “Licensed Video Gaming Location” means a licensed establishment, licensed fraternal establishment or a licensed veterans’ establishment, all as defined in Section 5 of the Video Gaming Act and this Chapter 19A that holds a valid permit issued by the Illinois Gaming Board and a license(s) granted by the Village permitting the Licensee to locate one (1) or more, but not more than six (6) Video Gaming Terminals at the establishment.
- (K) “Licensee” means the person, firm or entity to whom an authorization granted by the Village permitting it to engage in the defined activities of video gaming.
- (L) “Liquor Commissioner” means the liquor commissioner of the Village or his/her designee.
- (M) “Liquor License” means a retail local license issued by the Village authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption on the premises.
- (N) “Restaurant” means a retail establishment that is kept, used, maintained, advertised, and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers, and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with the Village Code. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen packaged food shall not be considered food prepared and served on premises, as required herein.
- (O) “State” means the State of Illinois.
- (P) “State License” means authorization granted by the Illinois Gaming Board permitting a Licensee to engage in the defined activities of video gaming.
- (Q) “Terminal Operator” means an individual, partnership, corporation, or limited liability company that is licensed under the Video Gaming Act and that owns, services, and maintains Video Gaming Terminals for placement in Licensed Video Gaming Locations in the Village.
- (R) “Veterans organization” means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 USC 501(c)(19)).

- (S) "Video Gaming Act" means the Illinois Video Gaming Act [230 ILCS 40/1 *et seq.*].
- (T) "Video Gaming Café" means an establishment where primary or major focus in video gaming was authorized by the Video Gaming Act (230 ILCS 40/1, *et. seq*) and the service of alcohol is incidental to the operation of video gaming.
- (U) "Video Gaming License" means authorization granted by the Village permitting a Licensee to locate a Video Gaming Terminal at a permitted location in the Village.
- (V) "Video Gaming Terminal" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including, but not limited to, video poker, line up, and blackjack, as authorized by the Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.
- (W) "Village" means the Village of Willowbrook, DuPage County, Illinois.

3-19A-2 License required.

It shall be unlawful to permit, suffer or allow video gaming within the Village, except as otherwise permitted by the Video Gaming Act, 230 ILCS 40/1, *et seq.* and this Chapter 19A. For the purposes of this Section, gambling shall be defined in accordance with the definition ascribed thereto, from time to time, in 720 ILCS 5/28-1, *et seq.*

3-19A-3 Application for license.

No person, corporation, or partnership shall display or offer for play or any video gaming terminal within the Village without first having applied for and received a Village video gaming terminal license for each video gaming terminal located on the licensed premises. No more than six (6) video gaming terminals shall be permitted a licensed video gaming location. At the time of the initial application for a Village video gaming license, the applicant shall pay to the Village a non-refundable initial license application fee of \$1,500.00 in addition to all other fees required by this Chapter or other provision of the Village Code.

3-19A-4 Location Restriction for Video Gaming Cafes. No video gaming license shall be issued to a video gaming café located within 2,640 linear feet of another video gaming café as measured door-to-door.

3-19A-5 Violations.

Any person, corporation, partnership violating the provisions of this Chapter shall be fined in an

amount not to exceed \$750.00 for each violation. Each day that a violation exists shall constitute a separate offense."

SECTION FOUR: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are expressly repealed solely to the extent of said conflict.

SECTION FIVE: This Ordinance shall be in full force and effect on January 1, 2020 after its passage, approval and publication in pamphlet form as provided by law.

PASSED and APPROVED this 25th day of November, 2019.

ROLL CALL VOTE: AYES: _____

 NAYS: _____

 ABSTENTIONS: _____

 ABSENT: _____

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Leroy R. Hansen,
Village Clerk