

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, NOVEMBER 25, 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, Village Clerk Leroy Hansen, Trustees Sue Berglund, Umberto Davi, Michael Mistele, Gayle Neal and Paul Oggerino.

ABSENT: Trustee Terrence Kelly.

Also present were Village Attorney Thomas Bastian, Village Administrator Brian Pabst, Director of Finance Carrie Dittman, Chief Robert Schaller, Assistant Village Administrator Michael Mertens, Deputy Clerk Christine Mardegan and Planning Consultant Ann Choi.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Administrator Brian Pabst to lead everyone in saying the Pledge of Allegiance.

4. VISITORS' BUSINESS

None presented.

5. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Board Meeting - November 11, 2019 (APPROVE)
- c. Warrants - \$459,582.14 (APPROVE)
- d. Monthly Financial Report - October 2019 (APPROVE)
- e. Motion - A Motion for Board to Authorize Staff to Process Current Delinquent Water Bills in Accordance with Past Practices (PASS)
- f. Motion - A Motion to Approve the Fiscal Year 2020/21 Budget Schedule (PASS)

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 Mistele to approve the Omnibus Vote Agenda as presented.

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

MOTION DECLARED CARRIED

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)

Director Dittman advised that one component in the Parks and Recreation Department budget is the Special Recreation Tax Levy. This tax is solely for the use of ADA accessible park programs, membership dues to the Gateway Special Recreation Association, and other park related needs for special recreation. The proposed tax levy for 2019 is \$72,750, which is approximately a 2.24% decrease from the prior year. The tax impact for a home owner with a home market value of \$300,000.00 would be approximately \$15.26.

The ordinance was presented to the Finance and Administration Committee meeting on October 14, 2019 and was recommended by the Committee.

MOTION: Made by Trustee Mistele and seconded by Trustee Berglund to adopt Ordinance No. 19-O-29 as presented.

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

MOTION DECLARED CARRIED

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)

MOTION: Made by Trustee Davi and seconded by Trustee Mistele to adopt Resolution No. 19-O-30 as presented.

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

MOTION DECLARED CARRIED

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)

Chief Schaller stated, "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."

This item was discussed at the August 14, 2019 Public Safety Committee meeting. A new fine structure was proposed for consideration for specific subjects and 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 be increased to \$125 per violation.

There has been some discussion on fines associated with Handicap parking and that fine will remain the same at \$350.00. Overnight parking will also remain the same at \$25.00. Trustee Neal stated that the only other fee that did not change was the fire line.

Mayor Trilla asked if any of the signs will need to be changed? Attorney Bastian responded no changes are needed.

MOTION: Made by Trustee Oggerino and seconded by Trustee Mistele to adopt Resolution No. 19-O-31.

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

MOTION DECLARED CARRIED

9. ORDINANCE - 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 Cafe" as a New Permitted Use in the B-2, B-3 and B-4 Zoning Districts, add "Video Gaming Cafe" 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)

Planning Consultant Choi informed the Board that this text amendment proposes to introduce a new "video gaming cafe" use in the B-2, B-3 and B-4 zoning districts, with the service of alcohol and food as incidental to the operation of video gaming. The text amendment is proposed by staff in response to 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. If approved, this ordinance will approve the text amendment to allow video gaming cafes as a permitted use in the above-mentioned proposed business zoning districts. The current Village code allows video gaming at restaurants that have a liquor license and their primary business is food service.

The Plan Commission evaluated this application at their meeting and Public Hearing held on November 5<sup>th</sup>. Planner Choi stated that given the fact that the State already heavily regulates video gaming establishments and that the hours of operation, the number of video gaming terminals, the number of licenses, and the license fees all fall under the purview of the Village Board and the Liquor Commissioner, the Plan Commission recommended that video gaming cafes be allowed as a permitted use in the business zoning districts and recommended that it be brought before the Village Board for approval. The Plan Commission voted unanimously for the text amendment of a 7-0 roll call vote of the members present at the November 6th meeting, but the Plan Commission asked the Village Board to consider eliminating the half-mile distance limitation between video gaming cafes.

Aside from the video gaming cafe use, Planner Choi also recommended 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. Planner Choi indicated that this use category would reduce the number of text amendments (and Staff time) devoted to the text amendment process.

Trustee Davi asked if the distance between the gaming cafes could be explained. This will be discussed in item #11.

In response to Trustee Davi's question, Assistant Village Administrator Mertens explained that amendments to the Willowbrook Video Gaming Code and Liquor Code would be proposed separately, following the text amendments to the zoning code. Assistant Village Administrator Mertens gave an overview of the three proposed amendments and explained that as part of the amendment to the Video Gaming Code and Liquor Code, gaming cafes would be further regulated by introducing additional liquor license classifications - one would be assigned to restaurants

with gaming and one for video gaming cafes. The gaming ordinance would propose a minimum distance of half-mile between video gaming cafes. Additionally, there would be an application fee for new video gaming establishments, an increase of six (6) terminals that could be licensed per establishment starting on January 1, 2020 and an adjustment in the terminal fees.

Assistant Village Administrator Mertens also provided an example of the New Use Categories "Similar and Compatible Uses" to the B-1, B-2, B-3 and B-4 Zoning Districts. He highlighted how the uses could be reviewed as a permitted use or as a special use by the Village Planner or Village Administrator. Sensitive uses would be reviewed as a Special Use to provide more input from the public, the Plan Commission and the Village Board.

MOTION: Made by Trustee Berglund and seconded by Trustee Neal to adopt Ordinance No. 19-O-32 as presented.

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

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)

Assistant Village Administrator Mertens stated the Village currently allows Video Gaming in restaurants 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. This ordinance would define Restaurants and Video Gaming Cafes. The ordinance would also create two new liquor classifications; one for restaurants with gaming and one for video gaming cafes, as well as establish fees for these licenses. The Village Board would have the authority to establish the number of licenses authorized. Once authorized the licenses would be assigned by the Liquor Commissioner.

MOTION: Made by Trustee Davi and seconded by Trustee Berglund to adopt Ordinance No. 19-O-33 as presented.

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

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)

Trustee Davi stated that we need to discuss and clarify this ordinance.

Village Assistant Administrator Mertens shared,

- 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 Cafe 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 six (6) Video Terminals per establishment as allowed by the new State legislation.

The establishment of refined definitions, distance 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.

Trustees were concerned about a distance in between each gaming café. Attorney Bastian stated that the Village is at the beginning stages and the ordinance can always be amended if needed.

MOTION: Made by Trustee Oggerino and seconded by Trustee Neal to adopt Ordinance No. 19-O-34 as presented.

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

## 12. TRUSTEE REPORTS

Trustee Neal had no report.

Trustee Mistele had no report.

Trustee Berglund reminded everyone about the tree lighting on November 29<sup>th</sup> at 6:00 p.m.

Trustee Davi had no report.

Trustee Oggerino no report.

## 13. ATTORNEY'S REPORT

Attorney Bastian wished everyone a Happy Thanksgiving and said we have a lot to be thankful for this year.

14. CLERK'S REPORT

Clerk Hansen had no report.

15. ADMINISTRATOR'S REPORT

Administrator Pabst stated that K-5 is working quickly on the Route 83 project. They are working around the clock but the signalizations will not be done on Route 83 or Plainfield road until Spring.

16. MAYOR'S REPORT

Mayor Trilla had no report.

17. CLOSED SESSION

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

18. ADJOURNMENT

MOTION: Made by Trustee Mistele and seconded by Trustee Oggerino, to adjourn the Regular Meeting at the hour of 7:04 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

\_\_\_\_\_, 2019.

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Frank A. Trilla, Mayor