CITY OF BATAVIA
100 N. Island Avenue, Batavia, IL 60510
(630) 454-2000 http://cityofbatavia.net

Committee of the Whole Agenda
Tuesday, October 29, 2019
7:00 PM Council Chambers 1st Floor

1. Roll Call
2. Reminder: Please Speak Into The Microphone For BATV Recording
3. Approve Minutes For October 1, 2019

   Documents:

   COW 19-10-01M.PDF

4. Items Removed/Added/Changed
5. Matters From The Public (For Items NOT On Agenda)
6. Ordinance 19-67: Amending The Text Of The Zoning Code – City Of Batavia, Applicant (DMR 10/24/19) CD

   Documents:

   ORD 19-67 AMENDING TEXT OF THE ZONING CODE.PDF

7. Water Street Studios – Forgive Loan Year 10 (PLC 10/22/19) GS

   Documents:

   WATER STREET STUDIOS FORGIVABLE LOAN 2019.PDF

8. Discussion: Expansion Of The Video Gaming Ordinance To Allow For Holders Of A Class E-3 Liquor License (LN 10/24/19) GS

   Documents:

   EXPAND VIDEO GAMING TO E-3.PDF

9. Project Status
10. Other
11. Executive Session: Potential Litigation
12. Resolution 19-113-R: Authorizing Payment Of $27,110.21 To Illinois Municipal Broadband Association For City's Dues (RB 10/25/19) PU

    Documents:

    RES 19-113-R REGARDING IMBCA PAYMENT.PDF

13. Discussion: 2020 Budget Discussion (PLC 10/25/19)
14. Adjournment

MINUTES
October 1, 2019
Committee of the Whole
City of Batavia

Please **NOTE:** These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

Chair Wolff called the meeting to order at 7:00pm.

1. Roll Call

Members Present: **Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Chanzit, Salvati, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone (entered at 7:06pm), and McFadden**

Members Absent: **Ald. Callahan**

Also Present: **Mayor Schielke; Laura Newman, City Administrator; Gary Holm, Director of Public Works; Wendy Bednarek, Director of Human Resources; Peggy Colby, Director of Finance; and Jennifer Austin-Smith, Recording Secretary**

2. Reminder: Please speak into the microphone for BATV recording

3. Approve Minutes for August 27, 2019

Motion: To approve minutes for August 27, 2019
Maker: Uher
Second: Salvati
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

4. Items to be Removed/Added/Changed
There were no items to be removed, added or changed.

5. Matters From the Public (For Items NOT on the Agenda)
There were no matters from the public at this time.

6. Resolution 19-109-R: Authorizing Reimbursement to Marconi Properties for an amount not-to-exceed $24,658.00 for Repairs and Resurfacing of a Municipal Parking Lot Located Behind the Building at 18 E. Wilson Street (GH 9/27/19) CS
Holm reported that the property owner and the City formed a partnership to get this work complete. Page five of the proposal shows the portions of the privately owned and City owned parcels. Holm stated that staff is in support of Marconi properties having this work performed and the City would reimburse them for the City's proportional share.

Uher asked about the section that is underneath the former bank drive through. Holm stated that is still owned by the City. There is an easement agreement to allow the drive through to remain as long as the property is occupied by a bank. The building owner is seeking a bank to occupy that property. If there isn't a bank after a year, then the City could have the drive through removed and at that point we would be tearing up any improvements made to that area. Holm explained that is why nothing is being done because the fate of the drive through is unknown.

Michael Marconi, property owner, discussed resealing the area. To the point, if we repaired that area and later ripped the drive through out that would be bad money spent. At this time we are going to reseal that area to make it look nice. Marconi stated that he would be meeting with adjacent property owners who have strips of land behind the buildings to see if they will come along and fix the pavement in addition to what is seen in the proposal.

Beck asked if there would be any expectation of bicyclists traveling through the parking lot. Newman answered that is a discussion that needs to be had with the Park District. Holm stated his understanding is that it is not intended to be the route. The route is Webster Street. The signage will be directing people to the route.

Motion: To recommend to City Council approval of Resolution 19-109-R: Authorizing Reimbursement to Marconi Properties for an amount not-to-exceed $24,658.00 for Repairs and Resurfacing of a Municipal Parking Lot Located Behind the Building at 18 E. Wilson Street
Maker: Wolff
Second: Russotto
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

7. Ordinance 19-64: An Ordinance Providing for the Issuance of not to exceed $4,100,000 General Obligation Refunding Bonds, Series 2019, of the City of Batavia, Kane and DuPage Counties, Illinois, Authorizing Designated Officers to Sell Said Bonds by the Execution of a Bond Order, and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal of and Interest on Said Bonds (PLC 9/26/19) GS

Colby overviewed the memo. Colby noted that this particular ordinance is different in that the bond sale will not occur when the ordinance is on the agenda next Monday. What you will be authorizing would be the sale and refunding of the bonds if it fits the parameters listed on the memo. Colby announced we anticipate between $90,000 to $100,000 in savings.

Motion: To recommend to City Council approval of Ordinance 19-64: An Ordinance Providing for the Issuance of not to exceed $4,100,000 General Obligation Refunding Bonds, Series 2019, of the City of Batavia, Kane and DuPage Counties, Illinois, Authorizing Designated Officers to Sell Said Bonds by the Execution of a Bond Order, and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal of and Interest on Said Bonds
Maker: Chanzit
Second: Salvati

Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

8. Ordinance 19-65: Amending 2020 Wages and Salaries of Non Collective Bargaining Employees (WB) GS

Bednarek reported that we are recommending for 2020 an increase of 2.5%. She discussed the factors they review prior to recommending a wage increase including reviewing the CPIU, median public sector increases and arbitration awards.

Motion: To recommend approval of Ordinance 19-65: Amending 2020 Wages and Salaries of Non Collective Bargaining Employees
Maker: Chanzit
Second: Knopp
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

9. Resolution 19-108-R: Award Contract for the First St. Diversion Structure Rehabilitation and Main St. Force-main Bypass Connection to Performance Construction and Engineering LLC in the amount of $153,615.00 (JB 9/26/19) PU

Holm overviewed the memo with the Committee. Holm stated in 2009 this structure was identified as needed replacement as part of the wastewater master plan. We are to the point where we need to replace this structure, which is in very bad condition. Holm has been working with our engineer, BEI, to develop plans and now to solicit bids. Another aspect of this project is to isolate and install valves for bypassing a force main along Main Street.

Motion: To recommend approval of Resolution 19-108-R: Award Contract for the First St. Diversion Structure Rehabilitation and Main St. Force-main Bypass Connection to Performance Construction and Engineering LLC in the amount of $153, 615.00
Maker: Malay
Second: Uher
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

17. Project Status

Newman reported on the following:

- Today the Public Works Department completed installation of additional “share roads” that have two chevron marks and a bicycle that are an indication to motorists that bicyclists are sharing the roadway with them. These “share roads” were installed on Water Street all the way from Houston Street down to Union Street.
- We had an onsite meeting with Oak and Swine restaurant. The Community Development Department was performing final inspection today. The meeting was regarding facilitating garbage service.
- We have request from the group doing the fundraising for the Flag Day monument. Soon there will be a sign on the east side of the Peg Bond Center that will be the future home

of that monument. The signage will state how this is the future site for the monument and how people could donate. Newman announced if you are interested in donating you could go to: flagdaymonument.com and it will show a rendering of the monument and list donation opportunities.

- The Batavia Toy Drive this year already has a space thanks to BEI. Please consider donating to this great event.
- The Plan Commission will have a meeting on October 2nd and reviewing a variance at 804 N VanBuren, Conditional Use for a tattoo establishment, and a text amendment to add cannabis use definitions according those that have been written into the new State cannabis law.
- Prairie Commons is working hard on the second phase of their development.
- Public Works is doing fire hydrant flow testing in support of updating the City's water system.
- Underground work is continuing at the for an electric cable replacement. The equipment is being upgraded to maintain its reliability.
- A new transformer and substation is being connected and ready for final testing.
- The patching is continuing as part of the final phase of the annual Roadway Resurfacing Program.
- Area three sewer system separation remains on schedule for early November.
- Carriage Crest costs for construction is part of the 2020 budget proposal to help with storm water issues.
- The Fire Department is gathering data to support additional grants they would like to apply for federal funding for EMS transports. The Batavia Fire Department Open House is this Sunday, October 6th at the West Side Station from 11am-3pm.
- The Kane County Health Department put out a press release notifying everyone that there has been an additional case of legionnaires disease confirmed. That brings the total number to fifteen.
    - The Committee discussed their dissatisfaction with the communication the City received regarding this matter. The communication was not timely or not at all. Newman noted that communication has improved.
- Holm announced that a thirty-year employee of Batavia has retired, Greg Koch.

18. Other

Discussion: Ordinance 19-66 IEPA Sewer Bond Ord

Colby stated that she was not able to get this item on the agenda in time and asked if the Committee would be okay with this item going directly onto City Council's agenda.

The consensus of the Committee was in favor of placing Ordinance 19-66 IEPA Sewer Bond Ordinance onto the City Council agenda next Monday.

The Committee discussed the ESDA volunteers and their availability. Newman noted that the volunteers all have full-time jobs making afternoon availability during the week impossible.

Malay updated the Committee about the chalets, creating opportunities for a pop-up small business community. A letter of agreement is being created between the School District and

Batavia Main Street. The building trades program could be an opportunity for the shop students to build three of the chalets. Local professionals will be recruited to mentor the program. Mike Kluber offered to work with some students on developing the drawings for these chalets. The budget for this program is being discussed with City Staff.

19. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 7:54pm; Made by O'Brien; Seconded by Salvati. Motion carried.

Minutes submitted by Jennifer Austin-Smith, Recording Secretary, on October 14, 2019.

CITY OF BATAVIA

DATE: October 24, 2019

TO: Committee of the Whole - CD

FROM: Drew Rackow AICP, Planner

SUBJECT: **Ordinance 19-67** – Amending the Text of the Zoning Code
City of Batavia, Applicant

Summary: Attached is draft Ordinance 19-67 which revises Chapter 6 of the Zoning Code by adding and modifying definitions related to cannabis production and sales uses. The definitions are reflective of terms used in the Illinois Cannabis Regulation and Tax Act which legalizes recreational cannabis use and sales in Illinois effective January 1, 2020. The addition of these definitions alone will not allow the recreational sale of cannabis or any of the other proposed defined uses within the City of Batavia The definitions provide a framework for future decisions about these uses. The Ordinance includes other minor changes to the Glossary by adding definitions for various yard types and modifies a definition of Banks and Other Financial Service Institutions. The Plan Commission conducted a Public Hearing on October 2nd and recommended the amendments as proposed in the draft Ordinance.

Background: On August 27th, the Committee of the Whole discussed and took public comment regarding recreational cannabis uses and dispensaries, based on the pending statewide legalization. At the conclusion of the discussion, the Committee gave direction to add definitions of these uses but made no recommendation to allow or not allow the uses until further deliberation occurs at some point in the future.

The Ordinance would add a definition for *Cannabis Business Establishment*, which acts as an overarching category of all such uses and could be used to establish regulations in the Zoning Code applicable to all cannabis uses. The draft adds a definition for a *Cannabis Craft Grower*, which is a state licensing type that allows for the growth, production/processing and sale of cannabis products in one location. Other uses that would be defined include *Cannabis Infuser Organization*, in which one takes raw cannabis or cannabis product and adds it to another, creating a new product, such a candy or baked good. Similarly, *Cannabis Processing Organization* defines a use that creates products such as cannabis oil that could then be used by an Infuser. Lastly, the definition changes add a *Cannabis Transporting Organization* which is a shipping entity that is licensed to handle cannabis goods. Staff used draft definitions provided by the Illinois Municipal League for the proposed definitions. For additional explanation of these uses, please see the attached Staff Report to the Plan Commission.

The existing definition for Cannabis Cultivation Center would be revised to include reference to the State's Cannabis Regulation and Tax Act, permitting recreational cannabis cultivation in addition to medical cannabis cultivation, in Zoning Districts that currently permit medical cannabis cultivation. Definitions of Medical Cannabis Dispensary and Recreational Cannabis Dispensaries would remain unmodified in the Zoning Code.

Separate from the changes regarding Cannabis uses, the Ordinance would also add definitions for Yards, with definitions being added for Corner Side Yard, Front Yard, Interior Side Yard and Rear Yard. This would address a situation in the Zoning Code where some regulations reference a yard instead of a setback area. Each essentially refers to the provided yard area, instead of a required setback area. The change would provide a consistent definition and regulation where the term yard is used.

The other revision contained in the Ordinance would revise the definition of Bank and Other Financial Service Institutions, removing a reference to check cashing establishments. This would clarify a change that was made in 2015, which classified such establishments as a Personal Loan Agency, which is prohibited in all Zoning Districts.

Plan Commission Review: The Plan Commission reviewed the proposed cannabis related terms and discussed the differences between the different use types. The Plan Commission felt that the proposed language sufficiently addressed the uses and noted that there was a significant number of new uses to consider in connection with the state's regulations. Commissioners understood that their action on Glossary changes does not imply or constitute a position on allowing or not allowing any of these uses.

Commissioners agreed that the other changes to add Yard definitions and modify the Bank and Financial Institution definitions were straight forward changes and would reduce the potential for misunderstanding of the Zoning Code requirements.

Alternatives: The City Council can approve or deny the Ordinance as presented, approve with modifications, remand the issue back to the Commission for further review, or take no action.

Impacts: Approving Ordinance 19-67 would define uses consistently with State law related to recreational cannabis sales and production. This will aid City elected and appointed officials and staff in discussion and development of regulation of cannabis related uses. As the addition of these definitions does not change the status of these uses (i.e. allowing them) staff does not identify any budget or staffing impacts.

Timeline for Actions: There is no required timeline for action, but staff feels the proposed amendments will allow the City to better discuss cannabis regulation and effectively regulate yards and financial establishments. Recreational Cannabis production and sales will become legal on January 1, 2020. With a COW recommendation, Ordinance 19-67 can be placed on the City Council agenda for final action on November 4, 2019.

Recommendations: By a vote of 7-0, the Commission recommended the City Council approve the amendments to the Zoning Code as presented in Ordinance 19-67.

Staff recommends approval of Ordinance 19-67 as presented.

Attachments

1. Draft Ordinance 19-67
2. Staff Memo to the Plan Commission

C: City Council
Department Heads
Media

CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-67
AMENDING THE CITY OF BATAVIA ZONING CODE
TITLE 10 OF THE CITY CODE

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS _____ DAY OF NOVEMBER, 2019

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This ___ day of November, 2019

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-67
AMENDING THE CITY OF BATAVIA ZONING CODE
TITLE 10 OF THE CITY CODE

WHEREAS, the City of Batavia's Zoning Code (City Code Title 10) contains definitions and provisions relating to the use and development of land in the City of Batavia; and

WHEREAS, on June 25, 2019, the State of Illinois enacted the Illinois Cannabis Regulation and Taxation Act which defines and regulates uses related to the growth, production and sales of cannabis and cannabis derived products;

WHEREAS, it has been determined that it is in the best interest of the City of Batavia to revise the Zoning Code to define these uses prior to making any determination as to where these newly defined uses may or may not be located; and

WHEREAS, Other Zoning Code provisions have been reviewed and it has been determined that these and certain other provisions, and requirements should be amended in order to better regulate the use and development of land in the City of Batavia; and

WHEREAS, public notice of proposed amendments to Title 10 of the Batavia City Code was duly given and published as required by law; and

WHEREAS, the Plan Commission of the City of Batavia did, on October 2, 2019 conduct a public hearing with respect to proposed amendments that would accomplish the appropriate changes to Title 10, and voted to recommend approval of said amendments to Title 10 of the City Code to the City Council's Committee of the Whole; and

WHEREAS, the City Council's Committee of the Whole has received the recommendation of the Batavia Plan Commission and recommended approval of said amendments; and

WHEREAS, the City Council of the City of Batavia has received the recommendation of both the Batavia Plan Commission and the Committee of the Whole, and has considered same; and

WHEREAS, it is in the best interests of the City of Batavia and its residents that the proposed Ordinance be adopted by the City Council of the City of Batavia.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

SECTION 1: That the City of Batavia Zoning Code (Title 10 of the City Code) is hereby amended in conformance with the terms of this Ordinance.

SECTION 2: That the City of Batavia Zoning Code Chapter 6: Glossary is hereby amended as follows:

1. That a definition of "**Cannabis Business Establishment**" be added to Chapter 6, alphabetically to read "A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

2. That a definition of "**Cannabis Craft Grower**" be added to Chapter 6, alphabetically to read "A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

3. That a definition of "**Cannabis Cultivation Center**" be revised under Chapter 6, to read "A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Illinois Compassionate Use of Medical Cannabis Pilot Program Act (P.A. 98-112) or Cannabis Regulation and Tax Act, (P.A.101-0027), as they may be amended from time-to-time, and regulations promulgated thereunder."

4. That a definition of "**Cannabis Infuser Organization (Infuser)**" be added to Chapter 6, alphabetically to read "A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder."

5. That a definition of "**Cannabis Processing Organization (Processor)**" be added to Chapter 6, alphabetically to read "A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

6. That a definition of "**Cannabis Transporting Organization (Transporter)"** be added to Chapter 6, alphabetically to read "An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder."

7. That a definition of "**Bank and Other Financial Service Institutions**" be revised under Chapter 6, to read "Establishments that provide retail banking, credit, and mortgage services to individuals and businesses. This classification includes banks and savings and loan establishments, and credit unions."

8. That a definition of "**Yard"** be added to Chapter 6, alphabetically to read "The space between a horizonal plane of the principal structure and the property line that is generally parallel to that plane."

9. That a definition of "*Corner Side Yard*" be added to Chapter 6, alphabetically as a sub-item definition under **Yard** to read "A *Yard* between the principal structure and the Corner Side Lot Line that is also between the front plane of a Principal Structure and the rear lot line. A *Corner Side Yard* supersedes a *Rear Yard*."

10. That a definition of "*Front Yard*" be added to Chapter 6, alphabetically as a sub-item definition under **Yard** to read "A *Yard* between the Principal Structure and the front lot line. *A Front Yard* supersedes a *Corner Side Yard* and an *Interior Side Yard*."
11. That a definition of "*Interior Side Yard*" be added to Chapter 6, alphabetically as a sub-item definition under **Yard** to read "*A Yard* between the Principal Structure and the interior side property line. An *Interior Side Yard* is superseded by the *Front Yard* and *Rear Yard."*
12. That a definition of "*Rear Yard*" be added to Chapter 6, alphabetically as a sub-item definition under **Yard** to read "*Rear Yard.* A *Yard* between the Principal Structure and the Rear Lot Line. A *Rear Yard* is superseded by a *Corner Side Yard*."

SECTION 3: That this Ordinance 19-67 shall be in full force and effect upon its presentation, passage and publication according to the law.

PRESENTED to the City Council of the City of Batavia, Illinois, this ___ day of November, 2019.

PASSED by the City Council of the City of Batavia, Illinois, this ___ day of November, 2019.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ___ day of November, 2019.

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										

VOTE: Ayes Nays Absent Abstention(s)
Total holding office: Mayor and 14 aldermen

ATTEST:

_____

Ellen Posledni, City Clerk

CITY OF BATAVIA

DATE: **October 22, 2019**
TO: **Mayor and City Council**
FROM: **Peggy Colby, Finance Director**
SUBJECT: **Art Center Forgivable Loan – COW-GS**

Summary and Background: The City Council authorized a forgivable loan in the amount of $85,000 to Batavia Enterprises in 2009 (Ordinance 09-10) to establish the new Batavia Art Center (Water Street Studios). The concept was to create affordable work and gallery space for up to 25 artists to promote the arts within the community and add unique, active uses to the downtown. The loan is to be forgiven over a 10-year term. For each "successful" year of the term, 10% of the loan may be forgiven.

The loan start date was August 2009. The loan years are from August 1 to July 31. The parties agreed that the determining factor for whether all or a portion of the $85,000.00 loan is repayable by the Developer is whether or not a particular year of operation of the Center was "successful." A year is deemed "successful" if there is no period of 90 days or longer during which fewer than 16 of the artist units are rented. In the event a tenant rents more than one unit, each unit shall be counted in the determination of the term, "successful".

The occupancy criteria were met for the tenth and final year. Please see the attached list of tenants for the year ending July 31, 2019 and the letter confirming successful occupancy as defined above. This qualifies them for the loan to be forgiven for year ten in the amount of $8,500 bringing the balance to zero.

Please consider a recommendation to approve forgiveness of year ten of the loan for Water Street Studios reducing the outstanding principal of the loan to zero. This will be on the agenda for the October 29th Committee of the Whole meeting for Government Services.

Thank you

C: Mayor & City Council
Laura Newman
File

WATER STREET STUDIOS

October 8, 2019

To whom it may concern,

For the year August 1, 2018-July 31, 2019 there was no period of 90 days or longer during which fewer than 16 of the artist units are rented.

Thank you,

Sarah Davis
Senior Lease Administrator

Studio	Resident Artist(s)
1	Rogge, Marcy
2	Adams, Mark
3	Dienst-Thomas, Lisa
4	Rogge, Marcy
5	Plant, Derek & Myers, Steve
6.1	Jenkins, Jim
6.2	MacLachlan, Rebecca
7	Krauspe, Emy
8	Belz, Victoria
9	Hunter, Kevin
10	Murphy, Marty
11	Geotzinger, Eric
12	Martin, Sabrina
13	Feller, Sharon
14	Russell, Mark
15	Hutler, Lisa & Parker, Kristi
16	Youngdahl, Lisa
17	Holzl, Lisa
18	Martin, Dave
19	Hazelton, Caitlin
20	Allen, Rebecca
22	Cervenka, Zach
23	Artist Collective Gallery
24	DaValle, Al
25	Wensel, David
26	Myers, Marta

CITY OF BATAVIA

TO: Daniel Chanzit, Chairman, Government Services

FROM: Laura Newman, City Administrator

DATE: October 24, 2019, 2019

RE: Expansion of Video Gaming Ordinance to Allow on Premises Video Gaming for Holders of Class E-3 Liquor License

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Chapter 3, Title 26 of the City Code regulates Video Gaming Devices in the City of Batavia. 3-26-2 (B) states:

"B. No property owner or person in possession of property in the City shall allow a video gaming terminal to be placed or maintained on the premises unless the premises qualifies as a licensed video gaming location as defined in section 25 of the Video Gaming Act, including liquor establishments having a Class A or D license for consumption on the premises, licensed veterans establishments, licensed truck stop establishments, or licensed fraternal establishments and:…"

The owner of a business holding a Class E-3 (bowling/amusement center) liquor license is requesting an expansion of the Video Gaming Code to allow Class E-3 license holders also to be allowed to have video gaming terminals on their premises, so long as all other requirements of the City of Batavia Video Gaming Code have also been met.

Pursuant to recent amendments to our local zoning code, video gaming is a conditional use for which any new, or expansion of an existing license requires approval by City Council. Therefore, even if Council votes to amend the Video Gaming ordinance to include E-3 liquor license holders, any business owner desiring to place video gaming terminals on their property would need to apply for approval of this conditional use.

There are benefits and potential detriments to allowing this requested expansion. Allowing it provides the owner of a bowling/amusement center the opportunity to earn additional income and to attract additional patrons to the business. The City also receives 6% share of the earnings from the additional machines. Of concern is the substantial presence of minors in such an establishment. However, the same could be said of restaurants geared toward children who hold Class D liquor licenses and are allowed under our current code to apply for a video gaming license. Therefore, so long as all other provisions of the code are met – in particular placing the machines in an area not accessible to patrons under the age of 21 – then this does not seem to be a relevant distinction that would preclude allowing E-3 license holders from also having video gaming.

Of course, it may be that Council prefers there to be no further expansion of video gaming to additional businesses of any type. Otherwise, Staff recommends that City Council allows expansion of Title 3, Chapter 26 Video Gaming Code to allow Class E-3 liquor license holders to be allowed to have video gaming terminals on

their premises, so long as all other requirements of the City of Batavia Video Gaming ordinance have also been met.

Cc: Dan Eul, Chief of Police
Scott Buening, Director of Community Development
Jeff Schielke, Mayor

CITY OF BATAVIA

DATE: October 25, 2019
TO: Committee of the Whole – Utilities (PU)
FROM: Rahat Bari, City Engineer
SUBJECT: Resolution 19-113-R: Authorizing payment of $27,110.21 to Illinois Municipal Broadband Communications Association

Background:
City of Batavia is part of Illinois Municipal Broadband Communications Association (IMBCA). Through Resolution 04-28 City of Batavia elected to become part of fiber network that runs from Batavia to Rock Falls connecting Dekalb and Rochelle on the way. The City is obligated to pay annual operating cost and maintenance cost to be a part of IMBCA.

Discussion
Attached is an invoice from IMBCA to pay for the city's portion of dues.

Staff is recommending-

1. Approving resolution 19-113-R authorizing payment of $27,110.21 to Illinois Municipal Broadband Communications Association (IMBCA) for City's dues

Attachment:

1. Invoice from IMBCA

CITY OF BATAVIA, ILLINOIS
RESOLUTION 19-113-R

AUTHORIZING PAYMENT OF $27,110.21 TO ILLINOIS MUNICIPAL BROADBAND COMMUNICATIONS ASSOCIATION (IMBCA)

WHEREAS, the City of Batavia owns and operates a fiber optic utility; and

WHEREAS, in connection therewith, it is obligated to pay annual operating cost and maintenance cost to IMBCA; and

WHEREAS, the City of Batavia has received an invoice in the amount of $27,110.21;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: That the staff is hereby authorized to make a payment to IMBCA in the amount of $27,110.21.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 4th day of November, 2019.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 4th day of November, 2019.

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										

VOTE: Ayes Nays Absent Abstentions
Total holding office: Mayor and 14 aldermen

ATTEST:

_____

Ellen Posledni, City Clerk

INVOICE

IMBCA
Illinois Municipal Broadband Communications Association
200 N Raddant Rd
Batavia, IL 60510
630-454-2357

Statement Date: 10/x/2019

Invoice # **2019-28**

Bill to:

City of Batavia
100 N Island Ave
Batavia, IL 60510

Due upon receipt

IMBCA - ISTHA Payment Agreement and 2019 ISTHA Invoice

Description	Amount	Rate	Extended
ISTHA Settlement Agreement Due 6/30/2019	$20,124.34	0.3333	$6,708.11
one-third of total payment			
ISTHA Settlement Agreement Due 9/30/2019	$20,124.34	0.3333	$6,708.11
one-third of total payment			
ISTHA Settlement Agreement Due 12/31/2019	$20,124.34	0.3333	$6,708.11
one-third of total payment			
IMBCA - ISTHA Annual Maintenance for Fiber IRU	$20,957.62	0.3333	$6,985.87
12/01/18 thru 11/30/2019			
one-third of invoice			

Total Due **$27,110.21**

Make check payable to: IMBCA
Please send payment to:
IMBCA Treasurer
Bob Rogde
200 N Raddant Rd
Batavia, IL 660510

Phone:
630-454-2357
Fax:
630-454-2351