

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

Committee of the Whole Agenda
Tuesday, November 19, 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 29, 2019

Documents:

[COW 19-10-29M.PDF](#)

4. Items Removed/Added/Changed
5. Matters From The Public (For Items NOT On Agenda)
6. Public Hearing On The 2019 Tax Levy
7. Ordinance 19-81: Conditional Use For U-Haul Commercial Vehicle/Equipment Sales And Rental In The GC General Commercial District, 1921A West Wilson Street (JLS 11/14/19) CD

Documents:

[ORD 19-81 U-HAUL 921A WILSON.PDF](#)

8. Ordinance 19-77: Amendment To Video Gaming Code (LN 11/15/19) GS

Documents:

[ORD 19-77 AMENDING THE VIDEO GAMING CODE.PDF](#)

9. Resolution 19-114-R: 2020 Budget (PC) GS

Documents:

[RES 19-114-R 2020 BUDGET RESOLUTION.PDF](#)

10. Ordinance 19-73: 2019 Tax Levy (LP) GS

Documents:

[ORD 19-73 2019 TAX LEVY.PDF](#)

11. Ordinance 19-74: SSA #30 Tax Levy (LP) GS

Documents:

[ORD 19-74 SSA 30 TAX LEVY.PDF](#)

12. Ordinance 19-75: SSA #62 Tax Levy (LP) GS

Documents:

[ORD 19-75 SSA 62 TAX LEVY.PDF](#)

13. Update: City Logo Project

14. Project Status

15. Other

16. Adjournment

MINUTES
October 29, 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 (entered at 7:03pm), Beck, Knopp (via telephone), Salvati, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone, and McFadden

Members Absent: Ald. Chanzit

Also Present: Mayor Schielke (entered at 7:16pm); Chief Diecke, Batavia Fire Department; Chief Eul, Batavia Police Department; Laura Newman, City Administrator; Gary Holm, Director of Public Works; Peggy Colby, Director of Finance; Jeff Albertson, Building Commissioner; Drew Rackow, Planner; Scott Buening, Director of Community Development; Rahat Bari, City Engineer; Howard Chason, Director of Information Technology; and Jennifer Austin-Smith, Recording Secretary

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

3. Approve Minutes for October 1, 2019

Motion: To approve minutes for October 1, 2019
Maker: O'Brien
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. Ordinance 19-67: Amending the Text of the Zoning Code – City of Batavia, Applicant (DMR 10/24/19) CD

Rackow discussed how the ordinance has definitions for items related to cannabis that has been legalized by the State with the Cannabis Regulation and Tax Act effective on January 1, 2020.

Rackow explained this is solely putting the definitions into the text of the Zoning Code and not changing the status of those uses.

Motion: To recommend to City Council approval of Ordinance 19-67: Amending the Text of the Zoning Code – City of Batavia, Applicant
Maker: Callahan
Second: Beck
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

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

McFadden overviewed the memo and noted that the loan was to be forgiven over a ten-year term for each successful year that Water Street Studios maintained minimum occupancy level.

Motion: To recommend to City Council approval of forgiving year ten of the Water Street Studios loan
Maker: McFadden
Second: Uher
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

8. Discussion: Expansion of the Video Gaming Ordinance to Allow for Holders of a Class E-3 Liquor License (LN 10/24/19) GS

Bob Hansen, owner of Funway, addressed the Committee. He stated that whether or not to incorporate video gaming has been a tough decision for him over the past few years. He was in support of video gaming because it is helping businesses survive. He is up against the same thing now. Due to the minimum wage increase it has been a huge number for them employing the age group that they have. They are looking for additional revenue.

Hansen stated the last thing that he wants to do is to ruin Funway's image. The gaming will be behind a wall in a storage area on the north side of their bar. It will be a three to four foot barn door that could be slid open or closed. The door will be closed and gaming will not be open when the bar is not open. When the bar is open there will be an attendant there and surveillance cameras will be in the bar area. He is not a big fan of gambling but it is an additional resource for them. It is open to many other businesses and he would like it open to his business as well.

The Committee members expressed their individual thoughts on video gaming in general and for this particular establishment. Newman observed that it appeared there was enough support to draft the ordinance to be brought back to Committee of the Whole (COW). Mayor Schielke asked staff to look into the cost for licensure of machines to ensure that it is not too low. Mayor Schielke stated he would ask legal counsel to prepare a memo about what the fees should be for COW's review.

9. Project Status

Newman reported that IDNR is moving forward with plans to fund removal of low head dams. The City of North Aurora has been asked to update and renew their documentation requesting removal of their dam and indication has been given that perhaps Batavia could be next in line for that. This is great news but it prompts the question as to what we want to do with the depot pond, which is a primary feature of our downtown. If we want to maintain it then what would be the cost to do so. Newman stated that there is potential for CMAQ funding by continuing the berm at the end of the peninsula through Duck Island and then northwest to the other bank and if the bike path was continued over that. Newman explained that the removal of the dams would open up more of the river for recreational uses, such as canoeing and kayaking. There are also opportunities to increase the health of the fish population and increase that type of recreational use as well.

Chair Wolff asked that the Park District be involved as soon as possible with the discussion on the Depot Pond. Wolff stated that there is engineering money available with the CMAP if we can tie that to a plan with a bike path, especially with traffic issues we have in town. Wolff stated that is something we should explore immediately. Holm discussed the rules of the CMAP grant with the group and the importance of timing.

Newman reported that there are a number of businesses contacting our Economic Development Department wanting to establish their businesses in Illinois. Newman had a call from one of the communities that attended the Active Transportation Alliance meeting asking for pictures of River Street and documentation on how that all came to be because they wanted to present that information to their Board to show them what a similar investment can do for their community.

Newman reported that leaf pick up will continue and asked that leaves be moved out of the yard as soon as possible. She encouraged the community to mulch their leaves when they can.

10. Other

Knopp thanked Chief Eul and Chief Diecke for their department's participation on Saturday leading the Batavia Marching Band out of town for the State Championship. They placed fifth in their class.

11. Executive Session: Potential Litigation

Motion: To enter into executive session regarding potential litigation
Maker: O'Brien
Second: Meitzler
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

Chair Wolff noted that there would be an action and discussion after the Executive Session.

The Committee entered Executive Session at 7:48pm and exited at 8:28pm.

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

Motion: To recommend approval of Resolution 19-113-R: Authorizing Payment of \$27,110.21 to Illinois Municipal Broadband Association for City's Dues
Maker: Salvati
Second: Cerone
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

13. Discussion: 2020 Budget Discussion (PLC 10-25-19)

*Alderman Miller exited the meeting at 8:31pm

Colby presented the 2020 budget to the Committee. Her PowerPoint presentation included the following:

- 2020 Budget for all funds
- Budget, Surplus and Reserves
- General Fund Expenditures for \$29.0M How Revenues are Allocated
- 2020 General Fund Budget by Type (Millions)
- General Fund Continued
- 2020 General Fund Personnel Cost (000's)
- Staff Requests
- Economic Development Manager Funded mid-year
- Not-funded but requested: HR Admin increase to FT, Finance Analyst, Police Records – Increase pool of PT workers (add in bc it could be a reduction of cost), WW Admin increase from 30 to 40 hours (Sewer Fund)
- General Fund Revenues
- History of Sales Tax and Projected 2020 Budget
- Property Tax
- Street Projects Budgeted in 2019 (Fund 43)
- Drainage Projects Budgeted in 2020 (Fund 33 & 32)
- City Hall Projects Budgeted in 2020 (Fund 48)
- Electric Utility
- Water Utility
- Wastewater Utility
- City of Batavia 2020 Budget: Budgetary Talking Points

The Committee discussed conserving the reserves, income sources, general fund, balanced operating budget, 2020 census, EAV and the public notice. The consensus of the Committee was to go forward and publish the public notice. Colby noted that this would just establish a date for a public hearing and would not require the Council to pass any increase at all. It just means that it is being considered. Wolff asked for rate comparisons and no increase with going into the

reserves for the Committee to view. Colby stated that she would prepare a separate memo for this information.

Mayor Schielke discussed the potential of future development and revenue coming to the City. He suggested not posting a black box and go into the reserves. He stated that since there was a recent vote on keeping Home Rule, he does not want to give residents the wrong impression. Newman added that our rate could remain exactly the same but we would still need to publish the black box if our evaluation grows. Wolff commented that he does not want to put the City in the position where we don't have the reserves and we don't have the ability to do a small incremental increase. That is why he thinks the cap limits us and forces us to use the reserves that we have in small bits. If we don't have anything left in reserves we will ultimately have to raise taxes.

14. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 10:02pm; Made by Salvati; Seconded by O'Brien. Motion carried.

CITY OF BATAVIA

TO: Committee of the Whole (CD)
FROM: Joel Strassman, Planning and Zoning Officer
DATE: November 14, 2019
SUBJECT: Ordinance 19-81: Granting a Conditional Use Permit in the GC General Commercial District for a U-Haul Commercial Vehicle/Equipment Sales and Rental Business at 1921A West Wilson Street
Shawn Viland, Batavia Parcel, applicant

Summary: Draft Ordinance 19-81 would grant a conditional use permit for a U-Haul Commercial Vehicle/Equipment Sales and Rental Business at 1921A West Wilson Street. The main business at this location is Batavia Parcel that provides business services (copy, print, shipping). For additional information, please see the [staff memorandum to the Plan Commission](#).

Background: U-Haul rentals have been available at Batavia Parcel for approximately 3 years, including before the applicant, Shawn Viland acquired the business. In working with Mr. Viland to locate his U-Haul vehicles to be compliant with the City's prohibition of vehicle signs, staff informed him of his need for conditional use approval for the vehicle rentals. Mr. Viland quickly applied for the required conditional use permit.

On November 6th the Plan Commission held the public hearing for the conditional use permit. Two (2) hearing attendees spoke in support of Mr. Viland and his U-Haul business. In response to Commissioner questions, Mr. Viland stated that he typically keeps eight (8) vehicles available for two-way rentals (6 vans, 2 trailers) and with one-way rentals, there may be up to approximately 15 vehicles total on the property. His business peaks on weekends when there's less demand for parking generally on the property. He parks longer length vehicles behind (east of) the building.

The Plan Commission noted the business can work well with other businesses on the property. The Commission felt that no U-Haul vehicles should be parked closer than 25 feet to the property lines along Randall Road or Wilson Street and no more than six (6) vehicles should be parked in front (west of) the building. The Commission arrived at positive findings as included in draft Ordinance 19-81.

Alternatives: The City Council can approve or deny the Ordinance as presented, or amended (if desired), or take no action.

Impacts: There would be minimal impacts with approval of the Ordinances. The U-Haul business has operated at this property without complaints from neighboring businesses. Mr. Viland notes that U-Haul rentals add to the volume of his business, adding sales tax revenue to the City.

Timeline for Actions: COW action will allow the Ordinance to be placed on the City Council agenda for final action on December 2nd.

Recommendations: By a vote of 5-0 (2 absent), the Plan Commission recommended approval of the Conditional Use Permit subject to the conditions listed in Ordinance 19-81. Staff recommends City Council approve Ordinance 19-81 as presented.

Attachment: Ordinance 19-81

c Mayor and City Council
Department Heads
Shawn Viland, applicant
Media

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-81**

**CONDITIONAL USE PERMIT FOR A
U-HAUL COMMERCIAL VEHICLE/EQUIPMENT SALES AND RENTAL ESTABLISHMENT
IN THE GC GENERAL COMMERCIAL DISTRICT**

**SHAWN VILAND
1921A WEST WILSON STREET**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 2nd DAY OF DECEMBER, 2019**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 3rd day of December, 2019

Prepared by:
City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-81**

**CONDITIONAL USE PERMIT FOR A
U-HAUL COMMERCIAL VEHICLE/EQUIPMENT SALES AND RENTAL ESTABLISHMENT
IN THE GC GENERAL COMMERCIAL DISTRICT**

**SHAWN VILAND, APPLICANT
1921A WEST WILSON STREET**

WHEREAS, Shawn Viland, leaseholder of property located at 1921A West Wilson Street, submitted an application for a Conditional Use Permit, signed property owner by Philip Schalz, to the City of Batavia for a portion of the property legally described as:

PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER; THENCE EASTERLY ALONG THE NORTH LINE OF SAID QUARTER 148.50 FEET (2.25 CHAINS); THENCE SOUTH 0°42'15" WEST ALONG A LINE WHICH, IF EXTENDED, INTERSECTS THE CENTER LINE OF MAIN STREET AT A POINT OF 37.62 FEET (0.57 CHAINS) EASTERLY OF THE PRESENT CENTER LINE OF RANDALL ROAD, 690.36 FEET (10.46 CHAINS) FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°42'15" WEST ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 906.53 FEET TO THE CENTER LINE OF WILSON STREET; THENCE SOUTH 89°52'47" EAST ALONG SAID CENTER LINE 454.75 FEET TO THE WESTERLY LINE OF A TRACT OF LAND CONVEYED TO GUNNAR WIBERG AND ETHEL WIBERG, BY DEED RECORDED AS DOCUMENT 573663; THENCE NORTH 2°51'00" EAST ALONG SAID WESTERLY LINE 568.13 FEET TO A SOUTHWEST CORNER OF SARATOGA, BATAVIA, KANE COUNTY, ILLINOIS; THENCE NORTH 87°09'00" WEST ALONG THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO JAMES H. SNOW AND SUSAN M. SNOW BY DOCUMENT 1850438, 27.83 FEET TO THE SOUTHWEST CORNER OF SAID SNOW TRACT; THENCE NORTH 1°06'44" EAST ALONG THE WEST LINE OF SAID SNOW TRACT AND ALONG A WEST LINE OF A TRACT OF LAND CONVEYED TO JOHN F. LEARY AND CAROL L. LEARY BY DOCUMENT 1850439, 100.33 FEET TO AN ANGLE IN THE WEST LINE OF SAID LEARY TRACT; THENCE NORTH 1°19'29" EAST ALONG A WEST LINE OF SAID LEARY TRACT AND ALONG THE WEST LINE OF A TRACT OF LAND CONVEYED TO DAVID P. VERMEESCH AND PEGGY E. VERMEESCH BY DOCUMENT 1850437, 179.30 FEET TO THE NORTHWEST CORNER OF SAID VERMEESCH TRACT; THENCE SOUTH 87°09'00" EAST ALONG THE NORTH LINE OF SAID VERMEESCH TRACT 35.64 FEET TO THE

NORTHWEST CORNER OF SAID SARATOGA; THENCE NORTH 2°51'00" EAST 56.05 FEET TO A POINT THAT IS 704.88 FEET (10.68 CHAINS) SOUTHERLY OF THE NORTHERLY LINE OF SAID QUARTER (MEASURED ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE); THENCE NORTH. 89°26'01" WEST 488.56 FEET TO THE POINT OF BEGINNING EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE EASTERLY ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER 148.50 FEET (2.25 CHAINS); THENCE SOUTH 0°42'15" WEST ALONG A LINE WHICH, IF EXTENDED, INTERSECTS THE CENTER LINE OF MAIN STREET AT A POINT 37.62 FEET (0.57 CHAINS) EASTERLY OF THE PRESENT CENTER LINE OF RANDALL ROAD, 690.36 FEET (10.46 CHAINS); THENCE CONTINUING SOUTH 0°42'15" WEST 410.03 FEET; THENCE SOUTH 89°52'47" EAST 25.50 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°52'47" EAST 150.0 FEET; THENCE SOUTH 0°42'15" WEST 150.0 FEET; THENCE NORTH 89°52'47" WEST 150.0 FEET; THENCE NORTH 0°42'15" EAST 150.0 FEET TO THE POINT OF BEGINNING, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS. COMMONLY KNOWN AS 1921A WEST WILSON STREET (PIN 12-21-105-005)

WHEREAS, said Applicant is requesting a Conditional Use Permit to allow operation of a U-Haul commercial vehicle rental business at 1921A West Wilson Street in the GC General Commercial zoning district; and

WHEREAS, notice was duly executed and the Batavia Plan Commission held a public hearing on November 6, 2019; and

WHEREAS, following said hearing, the Plan Commission made the following findings required for approval:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.

FINDING: With Plan Commission recommendation of, and City Council approval of operational restrictions and vehicle parking and inventory with the Conditional Use, the proposed commercial vehicle rental business would not be detrimental to adjacent properties or the public in general.

2. The proposed use, as conditioned, conforms with the purposes, intent, and policies of the Comprehensive Plan and any applicable area, neighborhood, or other plan adopted by the City Council.

FINDING: Goal 1 of the Batavia Comprehensive Plan's Land Use Element stresses the need to balance land uses and maintain employment areas. The Plan's Economic Development & Redevelopment Element identifies the need to broaden land uses in the Randall Road corridor. The proposed use would complement the existing host business

and serve other businesses and residents of Batavia. The Randall Road corridor in Batavia currently has very limited commercial vehicle rental opportunity.

3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.

FINDING: The proposed use would be located in an existing commercial space that can accommodate its needs. As conditioned, the business would operate in accordance with applicable laws.

4. The proposed use, as conditioned, would conform generally to the Zoning Code and applicable government requirements.

FINDING: As conditioned for approval, the proposed use would not interfere with the enjoyment of nearby properties.

WHEREAS, after making its findings, the Plan Commission recommended to the City Council approval of a Conditional Use Permit being granted subject to the following conditions:

1. The Conditional Use Permit be granted to Shawn Viland for U-Haul vehicle rental at 1921A West Wilson Street and is not transferrable.
2. The number of U-Haul vehicles (including trailers) on the premises at any time shall be limited to fifteen (15) with no more than six (6) vehicles located west of the building.
3. U-Haul rental vehicles/trailers shall be legally parked as close as practical to the pedestrian entrance door of 1921A West Wilson or east of the building, however in no event shall any U-Haul vehicle be parked closer than 25 feet to the property lines along Randall Road or Wilson Street to limit visibility of such vehicles from the adjacent streets.
4. Failure to comply with one or more of the requirements herein shall be grounds for revocation of the Conditional Use Permit.

WHEREAS, on November 19, the City Council's Committee of the Whole reviewed the application, the record of the public hearing, and the actions and findings of the Plan Commission and recommended approval of a Conditional Use Permit being granted to Shawn Viland for U-Haul vehicle rental at 1921A West Wilson Street, subject to the conditions recommended by the Plan Commission; and

WHEREAS, the City Council of the City of Batavia has considered the recommendations of both the Plan Commission and the Committee of the Whole.

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

SECTION 1: The application for a Conditional Use Permit Conditional Use Permit by Shawn Viland to allow operation of a U-Haul commercial vehicle rental business at 1921A West Wilson Street in the GC General Commercial zoning district, is hereby approved with the following conditions:

CITY OF BATAVIA, ILLINOIS ORDINANCE 19-81

1. The Conditional Use Permit be granted to Shawn Viland for U-Haul vehicle rental, 1921A West Wilson Street and is not transferrable.
2. The number of U-Haul vehicles (including trailers) on the premises at any time shall be limited to fifteen (15) with no more than six (6) vehicles located west of the building.
3. U-Haul rental vehicles/trailers shall be legally parked as close as practical to the pedestrian entrance door of 1921A West Wilson or east of the building, however in no event shall any U-Haul vehicle be parked closer than 25 feet to the property lines along Randall Road or Wilson Street to limit visibility of such vehicles from the adjacent streets.
4. Failure to comply with one or more of the requirements herein shall be grounds for revocation of the Conditional Use Permit.

SECTION 2: That this Ordinance 19-81 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 2nd day of December, 2019.

PASSED by the City Council of the City of Batavia, Illinois, this 2nd day of December, 2019.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 2nd day of December, 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

TO: Daniel Chanzit, Chairman, Government Services
FROM: Laura Newman, City Administrator
DATE: November 15, 2019
RE: ORD 19-77 AMENDING TITLE 3, CHAPTER 26 OF THE CITY CODE VIDEO GAMING DEVICES

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:...”

Approval of Ordinance 19-77 would allow the owner of a business holding a Class E-3 (bowling/amusement center) liquor license 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.

In addition to allowing a new type of establishment to have video gaming terminals, Ordinance 19-77 also contains an increase to the annual site fee paid by the operator of the video gaming terminals from \$1,000

per year to \$1,500 per year. Such an increase is justified by the substantial cost to the city for oversight of video gaming in the community.

Staff recommends approval of Ordinance 19-77 AMENDING TITLE 3, CHAPTER 26 OF THE CITY CODE VIDEO GAMING DEVICES.

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-77
AMENDING TITLE 3, CHAPTER 26 OF THE CITY CODE
VIDEO GAMING DEVICES**

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

Published in pamphlet
form by authority of the
Mayor and City Council
of the City of Batavia,
Kane & DuPage Counties,
Illinois,

Prepared by:
City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-77**

**AMENDING TITLE 3, CHAPTER 26 OF THE CITY CODE
VIDEO GAMING DEVICES**

WHEREAS, the City of Batavia’s Municipal Code currently allows certain types of entities located within the City to obtain a license to have video gaming devices on their premises, but not businesses that hold an E-3 (Bowling/Amusement) liquor license; and,

WHEREAS, the City has considered and supports allowing the expansion of the type of entities allowed to apply for a license to have video gaming on their premises to include businesses that hold an E-3 (Bowling/Amusement) liquor license; and,

WHEREAS, the City has determined that its cost of allowing video gaming terminals is substantial and warrants an increase of the annual fee paid by operators of said terminals from \$1,000 per year to \$1,500 per year.

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

Section 1. That Title 2 of the Batavia City Code is hereby amended instanter with the following words, phrases and numbers:

...
3-26-2: LICENSE REQUIRED; LIMITATIONS:

...
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, D or E-3 license for consumption on the premises, licensed veterans establishments, licensed truck stop establishments, or licensed fraternal establishments and:...

4. The gaming terminal operator has paid the annual location permit fee of one thousand dollars (\$1,500) for the licensed video gaming location.

Section 2. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 3. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: December 2, 2019. Effective date: December 2, 2019.

CITY OF BATAVIA ORDINANCE 19-76

PRESENTED to the City Council of the City of Batavia, Illinois this 2nd day of December 2019.

PASSED by the City Council of the City of Batavia, Illinois, this 2nd day of December 2019.

APPROVED by me as mayor of said City of Batavia, Illinois, this 2nd day of December 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

CITY OF BATAVIA, ILLINOIS
RESOLUTION 19-114-R

ADOPTION RESOLUTION FOR 2020 ANNUAL BUDGET

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS, that the Annual Budget for the Year 2020 for the City of Batavia as attached hereto as Exhibit 1 be and is hereby approved.

PRESENTED to the City Council of the City of Batavia, Illinois, this 2nd day of December, 2019.

PASSED by the City Council of the City of Batavia, Illinois, this 2nd day of December, 2019.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 2nd day of December, 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 K. Posledni, City Clerk

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-73**

TAX LEVY ORDINANCE FOR THE YEAR 2019

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 2ND DAY OF DECEMBER 2019**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 2nd day of December, 2019

Prepared by:
City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-73**

TAX LEVY ORDINANCE FOR THE YEAR 2019

WHEREAS, the City Council of the City of Batavia, in the State of Illinois, did on the second day of December 2019, pass the annual budget for the fiscal year beginning on the first day of January 2020, which annual budget was approved by the Mayor of said City of Batavia on the second day of December 2019. It is the intent of the City of Batavia to use this tax levy for the budget year beginning January 1, 2020.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Batavia, State of Illinois:

SECTION 1. Corporate Purposes: That there be and there is hereby levied on all taxable property within the corporate limits of the City of Batavia, Illinois, for the levy year 2019, the total sum of \$2,207,086 for general corporate purposes as follows:

	<u>Amount Budgeted</u>	<u>Amount Levied</u>
Corporate Purposes	\$5,081,195	\$2,207,086

SECTION 2. Police Pension Fund: The City of Batavia having created a police pension fund in accordance with the terms of and act of the General Assembly for the State of Illinois entitled, “An Act to Provide for the Cities Having a Population of not Less Than 5,000 and Not More Than 200,000 Inhabitants,” as amended, there is hereby levied on all taxable property in the City of Batavia, Illinois, in addition to all other taxes, a tax levy for Police Pension Fund, as follows:

	<u>Amount Budgeted</u>	<u>Amount Levied</u>
For Police Pension Fund	\$2,266,449	\$2,266,449

SECTION 3. Firemen’s Pension Fund: The City of Batavia having the General Assembly of the State of Illinois entitled “An Act to Create a Firemen’s Pension Fund in Cities, Incorporated towns, Villages and Townships Having a Population of Not Less Than 5,000 Nor More Than 200,000 Inhabitants,” and to repeal certain acts therein named, as amended, there is hereby levied on all taxable property within the corporate limits of the City of Batavia, in addition to all other taxes, a tax for Firemen’s Pension Fund, as follows:

	<u>Amount Budgeted</u>	<u>Amount Levied</u>
For Firemen’s Pension Fund	\$1,034,122	\$1,034,122

SECTION 4. Illinois Municipal Retirement Fund: by a majority vote at an election held in the City of Batavia on April 17, 1945, the City of Batavia was included

CITY OF BATAVIA, ILLINOIS, ORDINANCE 19-73

within the provisions of the Illinois Municipal Retirement Fund and there is hereby levied on all taxable property within the corporate limits of the City of Batavia, for providing revenue for municipal contributions for the year beginning January 1, 2020 a tax exclusive of and in addition to the amount of taxes levied for general purposes, as follows:

	<u>Amount Budgeted</u>	<u>Amount Levied</u>
For Illinois Municipal Retirement Fund	\$701,874	\$300,000

SECTION 5. Fire Protection: By a majority vote at an election held in the City of Batavia on April 17, 1951, on the proposition, “Shall the Article Permitting Cities and Villages Containing Less than 500,000 Inhabitants to Levy a Tax for Fire Protection Purposes by Adopted and a Tax of .20 Percent Be Levied For Such Purposes,” there is hereby levied on all taxable property within the corporate limits of the City of Batavia, in addition to all other taxes, a tax for fire protection purposes as follows:

	<u>Amount Budgeted</u>	<u>Amount Levied</u>
For Fire Protection	\$5,084,923	\$800,000

SECTION 6. Police Protection: As the Corporate authorities of any city or village containing less than 500,000 inhabitants may levy a tax to provide revenue for the purpose of police protection in the municipality, there is hereby levied on all taxable property in the City of Batavia, Illinois, in addition to all other taxes, a tax levy for police protection as follows:

	<u>Amount Budgeted</u>	<u>Amount Levied</u>
For Police Protection	\$7,993,620	\$900,000

SECTION 7. The Clerk of said City of Batavia is hereby authorized and directed to file with the County Clerk of the County of Kane and the County Clerk of the County of DuPage, both in the State of Illinois, a certified copy of the ordinance.

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

CITY OF BATAVIA, ILLINOIS, ORDINANCE 19-73

PRESENTED to the City Council of the City of Batavia, Illinois, this 2nd day of December 2019.

PASSED by the City Council of the City of Batavia, Illinois, this 2nd day of December 2019.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 2nd day of December 2019.

Jeffery D. Schielke, Mayor

COUNCIL VOTE:

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, ILLINOIS
ORDINANCE 19-74
TAX LEVY ORDINANCE FOR THE YEAR A.D. 2019
FOR SPECIAL SERVICE AREA #30**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 2ND DAY OF DECEMBER 2019**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 2nd day of December, 2019

Prepared by:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-74
TAX LEVY ORDINANCE FOR THE YEAR A.D. 2019
FOR SPECIAL SERVICE AREA #30**

WHEREAS, the City Council of the City of Batavia, in the State of Illinois, did on the second day of December 2019, pass the annual budget for the fiscal year beginning on the first day of January 2020, which annual budget was approved by the Mayor of said City of Batavia on the second day of December 2019. It is the intent of the City of Batavia to use this tax levy for the budget year beginning January 1, 2020.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Batavia, State of Illinois:

SECTION 1. Special Service Area #30: That there be and there is hereby levied on all taxable property within the special service area listed above within the corporate limits of the City of Batavia, Illinois, for the levy year 2019, the total sum of \$5,050.00 for purposes as follows:

	<u>Amount Budgeted</u>	<u>Amount Levied</u>
Storm Water Detention Area	\$6,300	\$5,050

SECTION 2. The Clerk of said City of Batavia is hereby authorized and directed to file with the County Clerk of the County of Kane and the County Clerk of the County of DuPage, both in the State of Illinois, a certified copy of the ordinance.

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

CITY OF BATAVIA ORDINANCE 19-74

PRESENTED to the City Council of the City of Batavia, Illinois, this 2nd day of December 2019.

PASSED by the City Council of the City of Batavia, Illinois, this 2nd day of December 2019.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 2nd day of December 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, ILLINOIS
ORDINANCE 19-75
TAX LEVY ORDINANCE FOR THE YEAR A.D. 2019
FOR SPECIAL SERVICE AREA #62**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 2ND DAY OF DECEMBER 2019**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 2nd day of December, 2019

Prepared by:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-75
TAX LEVY ORDINANCE FOR THE YEAR A.D. 2019
FOR SPECIAL SERVICE AREA #62**

WHEREAS, the City Council of the City of Batavia, in the State of Illinois, did on the second day of December 2019, pass the annual budget for the fiscal year beginning on the first day of January 2019, which annual budget was approved by the Mayor of said City of Batavia on the second day of December 2019. It is the intent of the City of Batavia to use this tax levy for the budget year beginning January 1, 2020.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Batavia, State of Illinois:

SECTION 1. Special Service Area #62: That there be and there is hereby levied on all taxable property within the special service area listed above within the corporate limits of the City of Batavia, Illinois, for the levy year 2019, the total sum of \$27,000 for purposes as follows:

	<u>Amount Budgeted</u>	<u>Amount Levied</u>
MainStreet Program	\$40,000	\$27,000

SECTION 2. The Clerk of said City of Batavia is hereby authorized and directed to file with the County Clerk of the County of Kane and the County Clerk of the County of DuPage, both in the State of Illinois, a certified copy of the ordinance.

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

CITY OF BATAVIA ORDINANCE 19-75

PRESENTED to the City Council of the City of Batavia, Illinois, this 2nd day of December 2019.

PASSED by the City Council of the City of Batavia, Illinois, this 2nd day of December 2019.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 2nd day of December 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