

AGENDA
SPECIAL PLANNING, BUILDING AND ZONING COMMITTEE
Village of Hoffman Estates
June 18, 2012

7:00 P.M. - Helen Wozniak Council Chambers

Members: Karen Mills, Chairperson
Ray Kincaid, Vice Chairperson
Gary Stanton, Trustee
Gary Pilafas, Trustee
Jacquelyn Green, Trustee
Anna Newell, Trustee
William McLeod, Mayor

I. Roll Call

NEW BUSINESS

1. Request:
 - a. Direction to draft an ordinance amending Chapter 8 of the Municipal Code (Licenses) regarding Video Terminals and Terminal Operators consistent with the Illinois Video Gaming Act.
 - b. Direction for the Planning and Zoning Commission consider a text amendment to Chapter 9 (Zoning Code) regarding Amusement Devices.

II. Adjournment

**COMMITTEE AGENDA ITEM
VILLAGE OF HOFFMAN ESTATES**

SUBJECT: Request:

- a. Direction to draft an ordinance amending Chapter 8 of the Municipal Code (Licenses) regarding Video Gaming Terminals and Terminal Operators consistent with the Illinois Video Gaming Act
- b. Direction for the Planning and Zoning Commission consider a text amendment to Chapter 9 (Zoning Code) regarding Amusement Devices

MEETING DATE: June 18, 2012

COMMITTEE: Special Planning, Building and Zoning

FROM: James Norris, Art Janura, Patti Cross, Bev Romanoff
Peter Gugliotta *PG*

REQUEST: Request:

- a. Direction to draft an ordinance amending Chapter 8 of the Municipal Code (Licenses) regarding Video Gaming Terminals and Terminal Operators consistent with the Illinois Video Gaming Act.
- b. Direction for the Planning and Zoning Commission to consider a text amendment to Chapter 9 (Zoning Code) regarding Amusement Devices.

BACKGROUND: In 2009, the State of Illinois adopted the Video Gaming Act (Act) which allowed for up to five Video Gaming Terminals to be located in certain approved establishments, subject to licensing, rules, and regulations of the State. In Hoffman Estates, this applies to retail establishments that are licensed for the consumption of alcohol on the premises (as defined by 230 ILCS 40). The Illinois Gaming Board has begun accepting applications for State licenses and they expect the first of these to be issued in the next few months.

Review of the State law and discussions with State inspectors indicate that minor amendments are needed to the Municipal Code to provide for consistency with the new Video Gaming Act.

DISCUSSION: *Zoning Code Coordination*
An amendment is needed to the Zoning Code definition of *Amusement Devices* to differentiate traditional devices in the Village from State licensed Video Gaming Terminals. Text will be drafted to clarify that Video Gaming Terminals are not considered Amusement Devices as defined in the Zoning Code to avoid any confusion. A Zoning Code change requires a public hearing by the Planning and Zoning Commission. Direction to proceed with this hearing is recommended.

DISCUSSION: (Continued)***Business License Coordination***

In order to license Video Gaming Terminals in a manner consistent with the proposed Zoning Code change and in accordance with the provisions of the Illinois Video Gaming Act, new categories are needed in Chapter 8 (Licenses) of the Municipal Code regarding Video Gaming Terminals and Terminal Operators. The State allows for municipalities to implement license requirements and fees.

Consistent with the Act, it is recommended that the following new categories and fees be added to Chapter 8 to distinguish Video Gaming Terminals from Amusement Devices.

1. Terminal Operator, as defined by 230 ILCS40\Video Gaming Act - \$500 per operator
2. Video Gaming Terminal, as defined by 230 ILCS40\Video Gaming Act - \$100 per terminal

A copy of the State Video Gaming Act definitions of these terms is attached for reference. With direction from the Planning, Building and Zoning Committee, an ordinance will be drafted to amend Chapter 8 to add the above categories. This ordinance would be combined with the recommendation on the Zoning Code change and included on the next Village Board agenda for consideration after the Planning and Zoning Commission provides a recommendation.

RECOMMENDATION:

Request:

- a. Direction to draft an ordinance amending Chapter 8 of the Municipal Code (Licenses) regarding Video Gaming Terminals and Terminal Operators consistent with the Illinois Video Gaming Act.
- b. Direction for the Planning and Zoning Commission consider a text amendment to Chapter 9 (Zoning Code) regarding Amusement Devices.

Attachment

cc: Planning and Zoning Commission Members

**Excerpt from:
(230 ILCS 40/) Video Gaming Act.**

ARTICLE 5.

"Terminal operator" means an individual, partnership, corporation, or limited liability company that is licensed under this Act and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.

"Video gaming terminal" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.