

**MINUTES OF THE
COMMITTEE OF THE WHOLE MEETING
VILLAGE OF NORTHFIELD
TUESDAY, February 21, 2023**

The Committee of the Whole meeting was called to order by Village President Greg Lungmus on Tuesday, February 21, 2023 at 5:30 PM. Village Clerk Stacy Sigman called the roll as follows:

Committee Members Present:	Absent:
Trustee Todd Fowler	
Trustee Barnaby Dinges	
Trustee Tom Whittaker	
Trustee Matt Galin	
Trustee Tracey Mendrek	
Trustee Charles Orth	

President Greg Lungmus

Others Present:
Village Attorney Buzz Hill

Approval of January 17, 2023 Report of Proceedings

Trustee Orth made a motion, seconded by Trustee Whittaker to approve the January 17, 2023 Report of Proceedings. Approval was unanimous.

Discussion on Video Gaming

Village Manager Sigman noted that the Village had recently received a request from the owners of Stormy’s to amend the Village Code to permit video gaming. The Village currently prohibits video gaming within its borders. The Village can regulate video gaming through both zoning and liquor licensing. The most common mechanism and the area through which the Village exercises the most authority and control is liquor licensing. Under the Illinois Video Gaming Act, such gaming may only take place at veteran’s clubs, fraternal organizations, truck stops, and licensed establishments where liquor is drawn, poured, mixed, or served for consumption on the premises. The Village can limit the types of liquor licenses that are eligible for a video gaming license. The Village could also create a special class of liquor license for video gaming premises. If gaming is to be allowed, the Village would require liquor licensees to provide pertinent information about video gaming in their establishments as a condition of their annual license renewal.

Concerning zoning, establishments are prohibited from operating video gaming terminals within 100 feet of a school or place of worship or 1,000 feet of a facility operating other organized gambling, such as a race track or casino, or the home dock of a riverboat casino. The Village would also have the option of regulating the location of video gaming locations in certain zoning districts in much the same manner as was done with adult cannabis dispensaries. Additionally, the video gaming terminals must be located in a discreet area of the licensed premises that is restricted to people over the age of 21.

With respect to revenue, the Village may impose an increased liquor license fee and a terminal fee, and get a portion of the taxes generated from the net terminal income through the Local Government Video Gaming Distributive Fund. Staff checked the state gaming website to determine which North Shore communities allow video gaming. According to that site Evanston, Skokie, Wilmette, Kenilworth, Glenview, Winnetka, Northbrook, Glencoe, Highland Park, Deerfield, Lake Forest, and Lake Bluff do not allow it. It appears that the two closest communities allowing Video Gaming are Wheeling and Buffalo Grove. To help provide a general understanding of the tax revenue generated by this use, staff culled data from the Illinois Gaming Board (IGB) for Buffalo Grove. Buffalo Grove has 10 gaming establishments that produce a total tax of about \$81,000 a month. Of that total, the state takes \$70,000 and Buffalo Grove receives approximately \$11,000. The amount of tax generated per vendor varies greatly. Full gaming cafes produce substantially more than a typical restaurant or bar. In Buffalo Grove, the smallest vendor produces about \$52 per month of municipal revenue. The largest vendor produces about \$4,000 per month. Based on that community, it seems that most restaurants and bars average about \$1,000 per month in tax revenue coming back to the municipality. The IGB website contains detailed information on all of the communities and vendors who have video gaming. That information can be accessed through the following link. <https://www.igb.illinois.gov/videoreports.aspx>

Village Attorney Hill noted in a memo to the Board that if they support the concept, the Village will have to undertake a more detailed study of the handling of the zoning, licensing, revenue and fee implications. A change in policy will likely require an amendment to Chapter 16 - Alcoholic Liquor Code, Appendix A - Zoning Code and Appendix D – Fees, Bonds and Penalties. Any amendment to Appendix A will ultimately also require a Public Hearing before the Plan and Zoning Commission. Attorney Hill stated that video gaming could be regulated by creating a new class of liquor licenses.

Stormy's owner, Chad Bidwell was at the Committee of the Whole to share his ideas with the Board. He stated that Stormy's was looking at additional ways to generate revenue and keep customers in-house in their ever-changing industry. He noted that some customers leave when they find out Stormy's does not have video gaming.

President Lungmus asked if the proposed video games would go on the west side of Stormy's establishment. Bidwell replied that the machines would be placed on the east side of the establishment away from the dining room but the Illinois Gaming Board has regulations that would control the exact placement.

Trustee Dinges inquired about how the number of Stormy's customers that go elsewhere for gaming purposes and asked if there was a lot of noise and light associated with these machines. Bidwell responded that he was not sure of the exact number of customers but noted it was a lot. He also said that he could not answer anything about the noise and light without having the machines, but noted they would not be visible from the outside and the preference would be for the noise to be at a lower level.

Trustee Whittaker stated that he was pro-business and video gaming could be a potential revenue source for the community. He asked if the video gaming could be done on a trial period basis.

Bidwell responded he would be open to discussion and that the approval is 12 months through the gaming board but first the Village would need to revise its stance on video gaming.

Trustee Orth inquired about how many gaming machines Stormy's would like to have to make it worthwhile. Bidwell replied that three machines would be ideal. Trustee Orth asked about the revenue breakdown. Bidwell responded that the State receives 29%, the municipality receives 5%, the terminal operator receives 32.5%, and the operator receives 32.5%.

President Lungmus asked where the nearest video gaming was allowed. Bidwell replied Wheeling or Morton Grove. He also noted that after speaking to police chiefs in these communities, there were no issues with people causing trouble surrounding video gaming. President Lungmus noted that video gaming is highly exciting and regulated but people also can get addicted to gambling. He stressed that Board was exploring the idea of whether or not to change the Code to allow video gaming.

Trustee Mendrek stated that she did not believe that video gaming was appropriate for the Village of Northfield. She noted that if the Board allowed video gaming, it could be allowed for every establishment with a liquor license.

Trustee Galin concurred with Trustee Mendrek's opinion and did not support video gaming in Northfield.

Trustee Fowler stated that he was inclined to not want video gaming in the Village but wanted to further educate himself on the issue by seeing the video games in operation in other communities.

Trustee Whittaker supported the idea that the trustees investigate video gaming further in other establishments before making a decision.

Resident Patti Morrell asked if the Board moves forward with video gaming, could every business put this in their establishment. President Lungmus replied that there would likely be a new class of liquor licenses established for video gaming. Morrell noted that she was pro-business but Northfield has a culture of putting family first and forward and she views video gaming as gambling so did not feel it was appropriate for the Village.

Resident Carol Ritchell stated that she was clearly biased toward video gaming. She believed that this would help support local businesses. If allowed, she questioned if it could possibly be written into the rules that any video gaming must be in a separate room. President Lungmus noted that the Gaming Board in the state had very specific guidelines and regulations, noting that video games have to be separated for people 21 years and older.

Trustee Orth stated that he had been at establishments with video gaming and did not witness any negative, obnoxious behavior and the machines did not seem loud. He stressed that he was pro-business and believed video gaming could be possibly done on a probationary basis.

President Lungmus noted that he was pro-business but believed that video gaming was not right for Northfield. However, he agreed with Trustees Fowler and Whittaker that it would be beneficial to do more research before making a final decision regarding video gaming. He stated that he would work with Village Manager Sigman to create a community survey to get residents' opinions surrounding video gaming. He asked Bidwell if he would help create the survey questions and stressed that the entire Board is pro-business and wants to do what is right for the community. He noted that he did not believe it was feasible for video gaming to be done on a trial basis because of the large investment, rules, and licensing surrounding it.

Discussion on Purchasing Policy Amendment

President Lungmus noted that Trustee Dinges requested that the Village modify its current purchasing procedures and not procure goods and services from specific vendors.

Trustee Dinges was asked to share his thoughts on the matter with the Board and distributed an outline of his thoughts on a sheet to the Board and members of the audience. He thought the Village should cease purchasing products from any entity known to actively influence campaigns designed to baselessly undermine the US democracy and question the legitimacy of the US election process. (See Attachment A)

Trustee Dinges noted that last October when going through the Bills & Disbursements there was a charge from Uline. He noted Uline is a private company in Wisconsin and essentially the poster child for election denial campaigns across the country. He went on to say that these were dark money campaigns that question our elections, the machines, the poll workers, the Village Clerks, the votes, and question the legitimacy of the electoral process which he stressed that he takes very seriously. He stated that all of the Village Trustees and the Village Clerk take an oath to uphold the Constitution of the State of Illinois which calls for free and fair elections. He felt that nothing was more important than supporting the elections. The Village of Northfield will host an election in April 2023 and the election process and oaths should be respected and not undermined. Trustee Dinges stated that by purchasing from this company, the Village is put at risk. He noted that Forbes Magazine listed Uline as the number one company in the country undermining faith in the elections.

Trustee Dinges stated that he inquired into why the Village is buying products from Uline. He stressed that he was not requesting any changes to the current Procurement Policy, but wanted good judgment applied to it. He wanted to properly enforce the policy which directs the Village to "ensure the best interests of the public and Village are served in buying goods and services." He questioned how the Village can buy products from a company that turns around and spends money stating that the elections in our country are corrupt and cannot be trusted. He noted as a trustee, the two things that he takes the most seriously are how the Village spends its money and how it represents the values of the community. He asked the Village to more rigorously enforce the procurement policy. He noted that it was important not to be attached to another entity's public relations problems.

Trustee Dinges said that the Village did not spend a lot with Uline. After doing some research, he noted that in 2021, \$2,200 was spent with Uline, and in 2022, approximately \$5,000 was spent, which was a 140% increase. He believed that Village should buy these products

elsewhere. He stressed that the procurement policy needed to be enforced as written.

President Lungmus stated that it was a very complex subject and a free speech issue. He stressed that individuals have the right to choose whether to support certain purveyors or their owners based on their viewpoints, but municipalities cannot do this because it would show prejudice against a company.

Trustee Fowler emphasized that this is a public relations nightmare. He believed if the Village proactively decided to not purchase from Uline, it would potentially be opening itself up to massive lawsuits from the owner, Dick Uihlein. He stressed that he trusted the Village's staff to make good purchasing decisions. He felt the role of trustees was not to vet the vendors' belief systems.

Trustee Galin inquired about the competitors of Uline. He noted a hypothetical situation where if a vendor was a neo-Nazi, the Village would not conduct business with them. He thought the Board could rationally create policy around specific companies.

Trustee Orth believed that products needed to be procured based on the lowest price, quality, and availability. He stressed that an owner's viewpoint on issues could be different from their company's standpoint. He saw both sides but was cautious and did not want the Village to get into a lawsuit situation.

Trustee Galin asked what the specific damages would be from a legal stance. Village Attorney Hill replied that there were always damages in civil rights cases and he believed that this would be a first amendment issue. From the Citizens United case, it was determined that a corporate body is a citizen and has the same rights as a citizen. He said that in first amendment cases, damages are presumed. He thought that it could be a very expensive lawsuit to defend.

Trustee Whittaker said that he appreciated Trustee Dinges bringing this to the Board's attention, but as trustees, they represented the entire community. He believed there was no good answer other than adhering to the purchasing policy which says to use good judgment.

Trustee Mendrek stated that as trustees, they were not elected to promote their personal views, but were elected to provide the best and most efficient services to the taxpayers of Northfield. She stressed that there were no shortages of conflict-ridden issues in America and that it was an extremely slippery slope if scores of companies would be eliminated from doing business with the Village. This could potentially raise the cost of supplies and services and ultimately affect the Village's bottom line. She emphasized that she was opposed to spending any more staff time and legal fees investigating this matter, noting they had more important issues that directly impact the quality of life in Northfield.

Resident Kathy Estabrook stated that she believed that it was up to the staff to purchase anything for the Village based on quality, service, and price.

Resident Patti Morrell said that she 100% supported Trustee Mendrek's comments.

Resident Carol Ritchell presented a petition signed by more than 20 people requesting that the Village should purchase no goods or services from any business that undermines the U.S. elections and American democracy.

Trustee Galin stated that he would support amending the Village's purchasing policy.

Trustee Whittaker reiterated that the Village should adhere to the current purchasing policy.

Trustee Dinges stated he was interested in Trustee Galin's idea of amending the Village's purchasing policy and noted that everything needed to be done to protect the country's elections.

President Lungmus stressed that he appreciated Trustee Dinges's concerns and bringing them to the Board. The consensus of the Board was not to move forward with vetting companies or owners' political belief systems in making purchasing decisions.

Review and Discussion on FY 2023/24 Special Board Project Requests

Village Manager Sigman noted that as part of the annual budget process, Board members are asked to suggest projects that should be included in the budget. She noted that so far the project suggestions included the production of the first phase of way-finding signage, the development of a Village of Northfield media app, additional exterior Village Hall lighting, and a fresh examination of our Comprehensive Plan following the Zoning Code update.

Trustee Whittaker suggested the following projects: live stream Board meetings, Village's upcoming centennial in 2026, and pedestrian improvements at the Winnetka and Lagoon crossing.

Trustee Orth suggested these projects: illuminated stop sign on Northfield Road by Mariano's and potentially other locations, broadcast Board meetings, and research a comprehensive sidewalk program.

Trustee Dinges suggested these projects: additional downtown signage and a sidewalk on the west side of Wagner Road from Willow Road to the Northfield Community Church's driveway.

Staff will work to develop costs or approaches so that these projects can be discussed in more detail at the March Budget Workshop.

Other Business

Public Comment

Trustee Orth made a motion, seconded by Trustee Mendrek to adjourn the meeting.

Upon the following roll call vote, the motion was approved.

AYES: Fowler
Dinges
Whittaker
Galín
Mendrek
Orth

NAYS: 0

ABSTAIN: 0

ABSENT:

The meeting adjourned at 6:53 P.M.