

MINUTES
March 22, 2016
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 7:30pm.

1. Roll Call

Members Present: Ald. Russotto, Chanzit, Wolff, Fischer (entered at 7:46pm), Callahan, Hohmann, Mueller, Botterman, Cerone, and McFadden

Members Absent: Chair Brown; Aldermen Atac, Stark

Also Present: Mayor Schielke; Chief Schielke, Batavia Police Department; and Jennifer Austin-Smith, Recording Secretary

2. Items to be Removed/Added/Changed

The closed session portion of the meeting was removed. There was no objection by the Committee.

3. Matters From The Public (For Items NOT on Agenda)

There were no matters from the public for items not on the agenda at this time.

4. Consent Agenda

(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the JCOW. This agenda is placed as a separate item on the JCOW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a "package" in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the "regular" agenda.)

- a. **Resolution 16-31-R: Authorization to Execute a One-Year Renewable Contract with Clarke Environmental Mosquito Management, Inc. in the Amount of \$30,900.00 (Scott Haines 3/17/16) CS**

Motion: To approve the consent agenda as presented

Maker: Hohmann

Second: Callahan

Voice Vote: 9 Ayes, 0 Nays, 5 Absent
Motion carried.

5. Discussion: Change to Liquor Code to Allow Sale at Fuel Station Convenience Store (WRM 3/14/16) GS

Chief Schira reported that owners of gas stations/mini marts would like the Council to reconsider the prohibition on the sale of alcohol where petroleum products are sold. From a public safety standpoint, he does not feel that there are any issues or police/safety problems. Chief Schira stated that this is a policy decision rather than a public safety decision. He listed the other communities that allow the sale of alcohol at gas stations/mini marts such as: unincorporated Kane County, Elburn, Sugar Grove, and Geneva. Botterman asked if this includes hard liquor and beer. Chief Schira stated that McGrath wrote in his memo a point to consider by the Council is to limit the license to beer and wine sales. From a police standpoint, he does not see the necessity in limiting sales. He commented that he is not familiar with what other towns do.

Chanzit stated that every year since he has been on the Council there has been a request like this but it has never made it to a memo. He asked if there is any reason why this is being considered now. Mayor Schielke answered that he has been watching other communities around us doing this and this is constantly is being requested. Mayor Schielke stated that he has backed off his hard stand on this because we have a great police department who does compliance checks on our local businesses. Everyone should be carding and making sure that they are not selling to minors. We have had great success over the past couple of years here with the detectives verifying that carding is happening in all our businesses. Chanzit stated that he appreciates the Mayor's change of opinion.

Chief Schira stated that another item for the Committee to consider is if they would like to do a square footage restriction. He noted that from a police standpoint it does not make a difference what the square footage is. Chair Wolff opened the floor for public comment.

Mario Spina , Pride Stores, addressed the Committee. He stated that in the past three years they have received six beer and wine gas stations in areas such as: Carol Stream, Geneva, Hinsdale, Cicero, and soon to be allowed in Aurora. At all those locations we only sell beer and wine because some municipalities are more stringent on what could be sold at gas stations. They structure it based off of the building's square footage and the percentage of floor space. He explained that the reasoning is so that not all gas stations would be allowed to sell alcohol. He continued that the margin on gas is slim and there is always a need to make more revenue.

*Alderman Fischer entered at 7:46pm

The Committee asked about carding to ensure that liquor is being properly sold, scanning of drivers licenses for carding purposes, and training of employees. Chief Schira noted that in the liquor code, anyone who sells liquor has to be Basset Certified. Every person who could ring up liquor sales would have to do the training. Otherwise they would be in violation. Chief Schira noted that this requirement could be made for gas station liquor sales. Chief Schira asked if would make a difference if individual cans of craft beer are sold and he does not feel that it would make any difference. Chair Wolff asked if there were any other questions. There were none. Mario Spina stated that if there are any questions in the future to feel free to contact him.

Chief Schira asked the Committee what direction they would like to go. Wolff stated that if there were a legal reason for having a limitation on square footage then the Committee would consider it. Otherwise, he does not see any need to limit square footage. There was no objection from the Committee. Hohmann suggested leaving it as open as possible and let the market figure it out. Callahan stated that he supports the police department and trusts the policing of this. Therefore, he supports offering both liquor licenses to the business owners. The Committee directed staff to write up an ordinance.

6. Project Status

There was no project status at this time.

7. Other

Botterman asked about the former Marathon gas station. Mayor Schielke stated that the bank has taken it as a foreclosure and the bank will remove the tanks and canopy. They filed for a permit to shut off the sewer and water lines to the building. The bank intends on selling the land. The tires are being cleaned out. No trespassing signs have been put up. Cerone asked if there is a time frame. Mayor stated that they are working on the permits.

Mayor Schielke stated that a lot of people have been asking about the Golden Corral property, which is also in the hands of the bank. The building may be torn down to do some other type of business. Mayor Schielke stated that he would like to see a restaurant stay in that location.

Wolff asked about the gas station on Route 25 and Fabyan. Mayor Schielke stated that it appears that it is being kept up for someone else to take over the business.

8. Closed Session

a. Setting the Price of Land for Sale (SB)

b. Purchase and Sale of Electric Power

The Closed Session was removed from the agenda.

9. Adjournment

There being no other business to discuss, Wolff asked for a motion to adjourn the meeting at 8:01pm; Made by O'Brien; Seconded by Hohmann. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith