

**MINUTES OF THE COMMITTEE OF THE WHOLE COMMITTEE MEETING OF  
THE CITY COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY,  
DECEMBER 11, 2017 IN THE COUNCIL ROOM OF CITY HALL**

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**I. CALL TO ORDER**

Chairman Ebersohl called the Committee of the Whole committee meeting of the City Council of the City of Columbia, Illinois to order at 7:00 P.M.

Upon Roll Call, the following members were:

Present: Committee Members - Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, and Holtkamp. Mayor Hutchinson was also present.

Absent: Alderman Martens.

Quorum Present.

Administrative Staff Present: City Administrator James Morani, City Attorney Terry Bruckert, Chief of Police and Director of EMS Jerry Paul, City Clerk and Director of EMA Wes Hoeffken, EMS Chief Kim Lamprecht and Deputy Clerk Donna Mehaffey.

Guests: None.

Chairman Ebersohl stated the meeting was called for the purpose of discussing: (1) Approval of Minutes from the November 27, 2017 Committee of the Whole Meeting; (2) FY 2017-2018 Tax Levy (3) Liquor Code; (4) Raffle Licensing; (5) Other Items to be Considered; (6) Citizen Comments; and (7) Executive Session – 5 ILCS 120/2(c)(2) and (11).

**II. APPROVAL OF MINUTES FROM THE NOVEMBER 27, 2017 COMMITTEE  
OF THE WHOLE MEETING**

The minutes from the November 27, 2017 Committee of the Whole committee meeting were submitted for approval.

**MOTION:**

It was moved by Alderman Niemietz and seconded by Alderman Reis, to approve the minutes from the November 27, 2017 Committee of the Whole committee meeting. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, and Holtkamp voted yea. **MOTION CARRIED.**

### **III. FY 2017-2018 TAX LEVY**

City Administrator James Morani updated the Committee on the FY 2017-2018 Tax Levy. He said there will not be an adjustment to the Police Pension Tax Levy as the Police Pension report had a recommendation of approximately \$383,000 so it was kept at the current amount of \$390,000. He also said the only change from the last Committee meeting was the Social Security of \$5,000. It was moved to Medicare so there is no net increase from the FY 2017-2018 Tax Levy worksheet that was presented at the last Committee meeting.

All in attendance were given the opportunity to ask questions and offer comments.

Mr. Morani said the FY 2017-2018 Tax Levy Ordinance will be ready for consideration at the December 18th City Council meeting.

### **IV. LIQUOR CODE**

Mr. Morani reported to the Committee that he has been discussing the Liquor Code with City Attorneys Terry Bruckert and Doug Gruenke. He has also had discussions with Mayor Hutchinson and several of the Aldermen. This is in regard to the Liquor Code - Classification of Liquor Licenses, Video gaming parlors and video gaming at the gas stations. Mr. Morani pointed out the cover memo and the proposed draft ordinance to amend the Liquor Code. The following items were discussed from the cover memo.

- The definition of "Video Gaming Revenue" will be incorporated into the Liquor Code.
- A question on the application will ask whether the establishment derives more than fifty percent (50%) of its gross monthly revenues from video gaming revenue.
- Under Section 5.20.070 Prohibited Licenses - An establishment with more than 50% of its gross monthly revenues from video gaming revenue are prohibited from holding a liquor license. Mr. Morani said this proposed change could be added to prevent video gaming parlors. Mr. Morani said there is already a video gaming parlor in Columbia with a Class A Liquor License and his recommendation would be not to affect any establishments with liquor licenses that already have a Class A license so the current parlor would be grandfathered in. Mr. Morani said the "grandfathering" is open for discussion.
- Mr. Morani said the classification of the liquor licenses need to be updated and right now, a Class A license permits consumption of liquor on or off the premises. Mr. Morani recommends Class A to be consumption of liquor on the premises only. It was mentioned if these classes of liquor licenses follow the same language as state statute. Mr. Bruckert said some licenses are a little different because there are some special situations. It was pointed out some establishments may sell a six-pack or half-barrel which would be consumed off the premises.

- Mr. Hoeffken pointed out if a restaurant provides catering for a resident, liquor off the premises would be provided and, therefore, would be consumption of liquor off the premises. Mr. Bruckert said Class A may have to be left alone regarding the restaurant catering example. There is a Class G for a caterer's license, but a restaurant establishment would not be required to get both liquor licenses - Class A and Class G.
- There was also a discussion about gas stations requesting a Class A Liquor License - consumption on or off the premises, instead of the Class D Liquor License - off premises consumption. Mr. Bruckert said the City Council or the local Liquor Commissioner could make the decision that they could not be issued a Class A.
- It was mentioned Main Street Abbey is planning to have a microbrewery. Microbreweries sell beer on and off premises.
- Mr. Morani said right now any establishment could obtain a Class A liquor license to sell liquor on and off the premises and have video gaming. This includes video gaming parlors.
- Mr. Morani said the proposed Class B license would be for the restaurants. It is for consumption of liquor on the premises but is for establishments where at least 50% of its business is derived from the sale of food. Mr. Morani said many communities limit the number of licenses for the restaurants and does not necessarily mean Columbia has to adopt this method.
- Proposed Class C would be for wineries, which applies to establishments where 50% or more of its business is derived from the sale of wine. Liquor can be consumed on or off the premises.
- Proposed Class D is for the consumption of liquor off the premises and only applies to retail establishments such as grocery, drug, and convenience stores. The current Class D is the same. Mr. Morani said his concern is if this type of establishment requests a Class A license to pour liquor on the premises, they could have video gaming unless the Liquor Commissioner denies the license.
- The classifications of businesses from a zoning aspect was discussed in regard to the issuance of a liquor license.
- Alderman Roessler stated the worst case scenario is that video gaming parlors could basically be located all over Columbia in any vacant retail space that is open and is a concern of the Committee.
- One video gaming parlor was allowed and now a precedent was set allowing one. Mr. Morani said if nothing is changed in the City Code, there could be more. Mr. Morani added the City could allow them, see if the market will support them, as there are only so many parlors Columbia could support.
- Mr. Morani said state law does not allow the City to regulate the gaming. It only allows the City to regulate the liquor licenses.
- Mr. Morani said item 8 on his memo is a cross-reference to another part of the City Code regarding video gaming terminals.
- Item 9 limits a business to one liquor license per location.

- Item 10 is to prevent the shared common wall with ingress and egress to another business that already has a liquor license.
- Items 9 and 10 is what prevents the gas station or convenience store video gaming parlors.
- Mr. Morani said he is trying to be proactive on these issues based on feedback from council members.
- Mr. Morani said some communities are comfortable with video gaming parlors while some are not. Some see it as another method of generating revenue, while others see it as shifting revenue in the community.
- Mr. Morani said currently there is a liquor license for beer only at a lower rate and would like to streamline this section of the code to make the license the same rate as the others. There are also club licenses at a lower rate that could be the same rate as all the others. There are three liquor licenses that would be affected by these proposed changes.
- There are seven establishments in Columbia that have video gaming.

It was the consensus of the Committee that they are concerned about the presence of video gaming parlors and the possibility of gas stations/convenience stores obtaining a liquor license for video gaming. It was also the consensus of the Committee that more research was needed on the Class A Liquor Licenses language and to discuss the Liquor Code at the next Committee meeting.

## **V. RAFFLE LICENSING**

Mr. Morani reported to the Committee that the City's current Raffle Licensing needs to be updated, specifically with the onset of "Queen of Hearts" raffles. He added most of the City's current raffle code mirrors state statute. He has reviewed the current Raffle Licensing with legal counsel. The proposed changes included:

- Under Section 5.36.050 Application for License: Remove the social security number requirement from the application.
- Under Section 2.36.070 License Issuance: The City Clerk will review all raffle license applications instead of the City Council. The City Clerk shall within thirty (30) days from the date of application, accept or reject a raffle license application instead of the City Council. Remove "This shall be achieved by a majority vote of the City Council". The raffle license will be good for one year instead of thirty (30) days from and after its issuance. Remove "unless the City Council has specifically authorized a license for a longer period of time, but not for more than ninety (90) days".
- Under Section 5.36.080 Operation and Conduct of Raffles: G. Change to "No cash prize in excess of one million dollars \$1,000,000 may be awarded. This was a change

from \$500,000. The amount of \$1,000,000 was discussed. It was decided to keep that amount and could be increased if needed.

- Under Section 5.36.090 Raffles Manager--Bonds: Items B and C will be removed regarding bonds. City Attorney Doug Gruenke recommended that Item D will be changed to: "The City requires a bonding amount of zero". By making this change, the City does not have to waive the bond; it falls all upon the organization.
- Alderman Holtkamp pointed out that Item B regarding bonds was "in favor of the licensee" (Raffle) and C was "in favor of the City" (City). Mr. Morani will review this with legal counsel, but it was the consensus of the Committee that both Paragraph B and C in this section should be revised.

It was the consensus of the Committee for Mr. Morani to make the proposed changes to the Raffle Licensing Code. The Raffle Licensing ordinance will be ready for consideration at the next City Council meeting of December 18.

## **VI. OTHER ITEMS TO BE CONSIDERED**

There were no other items to be considered.

## **VII. CITIZEN COMMENTS**

There were no citizen comments.

## **VIII. EXECUTIVE SESSION – 5 ILCS 120/2(c)(2) AND (11)**

Chairman Ebersohl informed the Committee of the Whole that he would entertain a motion to go into Executive Session to discuss collective bargaining and pending litigation as permitted under 5 ILCS 120/2(c)(2) and (11).

### **MOTION:**

It was moved by Alderman Niemietz and seconded by Alderman Reis, to direct Chairman Ebersohl to go into Executive Session at 8:02 P.M. to discuss collective bargaining and pending litigation as permitted under 5 ILCS 120/2(c)(2) and (11). Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, and Holtkamp voted yea. **MOTION CARRIED.**

### **MOTION:**

It was moved by Alderman Niemietz and seconded by Alderman Reis to return to Regular Session of the Committee of the Whole at 8:58 P.M. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, and Holtkamp voted yea. **MOTION CARRIED.**

Upon return to Regular Session, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, and Holtkamp were present. Mayor Hutchinson was also present.

No action was taken as a result of the Executive Session.

**IX. ADJOURNMENT**

**MOTION:**

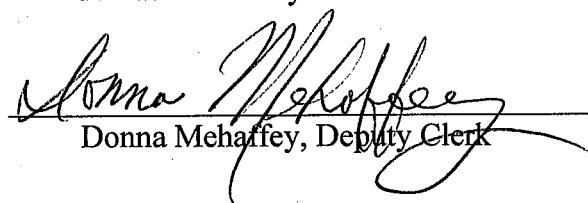
It was moved by Alderman Niemietz and seconded by Alderman Reis to adjourn the Committee of the Whole committee meeting of the City Council of the City of Columbia, Illinois held Monday, December 11, 2017 at 8:59 P.M. Upon voice vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, and Holtkamp voted yea.

**MOTION CARRIED.**

Minutes taken by:



Chairman Gene Ebersohl  
Committee of the Whole



Donna Mehaffey, Deputy Clerk