

LIQUOR AND LICENSE COMMISSION
McHenry County Government Center – Administration Building
667 Ware Road - Woodstock IL 60098

MINUTES OF WEDNESDAY, APRIL 9, 2008

Chairman Hammerand called the meeting to order at 9:15 a.m. The following members were in attendance: John Hammerand; James P. Kennedy; Mary McCann; Yvonne M. Barnes; and Nick Provenzano. Also in attendance: Jamie Rein, Assistant State's Attorney; and Captain Tony Cundiff – Sheriff's Office.

John Hammerand, Chairman
Yvonne M. Barnes James P. Kennedy
Mary T. McCann Nick Provenzano

MINUTES OF THE PREVIOUS MEETING

Ms. Barnes made a motion, seconded by Mr. Kennedy, to approve the regular session minutes of March 12, 2008 Liquor and License Commission meeting. The minutes were approved as submitted with all members present voting aye.

PUBLIC COMMENT: None.

PRESENTATION: None.

NEW BUSINESS:

New and renewal liquor license, manager and/or amusement license requests: Ms. Judy McGurn presented an application to renew a liquor license for the Breakers. She stated that Marion Feleman, a previous owner recently passed away and left her share of stocks to Jo-Ann Spielman who now owns 100% of the shares. Ms. Spielman now resides in New Mexico and Ms. McGurn will be the manager of the establishment. Members stated that with the change in corporate officers this application would be considered as a new application, not a renewal. Ms. McGurn raised concerns that the business would need to close while awaiting finger print results and also questioned how Ms. Spielman would be processed since she now resides in New Mexico. Members stated they would be unable to provide legal advice and asked if Ms. McGurn would remain to further discuss this situation at the end of the meeting. Ms. McGurn stated she could do so.

Mr. Haig Pedian, Jr. joined the Committee to review his application for a Class A liquor license with the addition of a Class D license to enable outside service of alcohol. He provided information in response to the Committee's previous request to construct a privacy fence and site plans and permits to allow for this addition. Mr. Provenzano expressed his concerns that complaints of music, crowds, noise and parking problems continue and approving a "D" license would only increase these problems. Mr. Pedian stated that his establishment does not have outside music. Mr. Provenzano stated that neighbors have addressed the Committee relative to traffic problems and noise that increases with outside activities. He stated he is very familiar with the location and the establishment and a Class D license is a major concern. Ms. Rein provided a review of the Liquor Ordinance noting that Section 19, C state that emission beyond boundaries of a license premise of any noise that unreasonably interferes with enjoyment of life or with any lawful business or activity is prohibited. Mr. Pedian's attorney noted that the only outside activities at the facility is horseshoes on Thursday evening. He stated that there are no residential homes directly behind the establishment and he did not feel noise is a problem compared to other such facilities. Mr. Provenzano stated he would be unable to support a request for a Class D license at this time. Members discussed the request and agreed that there are noise concerns and parking issues that need to be resolved before a Class D permit could be approved. Mr. Provenzano stated he is very concerned and once such a license is issued it would be difficult to deny in the future. After discussion, Mr. Provenzano made a motion to approve a Class A liquor license but deny the request for a Class D liquor license for the establishment know as the Broken Inn. The motion carried with all members present voting aye on a roll call vote (Barnes, Kennedy, McCann, Provenzano and Hammerand). Chairman Hammerand stated that Mr. Pedian would receive a refund of the \$500 paid for the Class D license.

At the Committee's previous request, Mr. William Mackey met with the Committee to review his request for a renewal of his Class A and Class D liquor license for his establishment known as Mackey's Hideout located on S. River Road. Mr. Provenzano reported that the Committee has received complaints about the establishment and asked how these were being addressed. Mr. Mackey stated he was unaware of any complaints, except for one that raised concerns about after hours which were unfounded. He stated that the outside license is to allow for service during small parties in a secondary building. He stated that neighbors are encouraged to contact him if they have any concerns. After discussion, Mr. Kennedy made a motion, seconded by Ms. McCann, to approve a Class A and Class D liquor license for Mackey's Hideout. The motion carried with all members present voting aye on a roll call vote (McCann, Provenzano, Barnes, Kennedy and Hammerand).

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The Committee next met with Jesus Casas and reviewed his application for a new Class A liquor license for El Yano located in Harvard Illinois. Mr. Provenzano made a motion, seconded by Ms. McCann, to recommend approval of a Class A liquor license for El Yano, pending receipt of \$925 – the reminder left to pay for the application process and receipt of paid dram shop insurance indicating coverage from May 1, 2008 to May 1, 2009. The motion carried with all members present voting aye on a roll call vote (McCann, Provenzano, Kennedy, Barnes and Hammerand).

Mr. Kiran D. Patel presented his application of a new Class B liquor license for House of Bottles located in Marengo Illinois. Members noted that the finger print had not been process and could not approve this license until all results and paperwork had been completed according to procedures.

Mr. Larry G. Brastad met with the Committee to review his application to serve as the Manager of Lakeside Liquors located in Wonder Lake. The previous manager had resigned in mid March. Mr. Brastad had owned this establishment prior to the current owner who took over the establishment in 2007. Mr. Provenzano made a motion, seconded by Ms. McCann, to recommend approval of Mr. Brastad's application for Manager of Lakeside Liquors, pending finger print results. Ms. Barnes stated she would be unable to support this application without finger print results. Mr. Provenzano stated this is a little different since Mr. Brastad had held a liquor license previously and had completed the application process at that time. He also stated under the circumstances, the owner had contacted the Commission and had begun the process for hiring of a new manager as soon as they had received the resignation. After discussion a roll call vote was called, the motion carried with four ayes (McCann, Provenzano, Kennedy and Hammerand) and one nay (Barnes). Ms. Barnes stated she would continue to question when she has concerns about the process.

Raffle Permits: The Commission reviewed a Raffle License Application for a raffle of a house. The raffle is to be sponsored by the Harrison PTO. Members questioned the applicant as to how the proceeds would be used and the response was to construct an outdoor track for the school. Ms. Rein's reviewed the Raffle Ordinance and noted that "...no real property, including land and any buildings thereon, may be the prize in a raffle unless the organization holding the raffle license owns fee simple title as to the entire subject real property." The applicant noted that the Harrison PTO did not hold such title at this time. Without the property fee simple title, the Commission was unable to approve this raffle permit.

The Commission reviewed a Raffle License Application for St. John the Baptist Catholic School. Noting that the forms and documents were all completed and the necessary bond insurance were attached; Mr. Provenzano made a motion, seconded by Ms. McCann, to approve the two raffle permit as submitted. The motion carried with all members present voting aye on a roll call vote (McCann, Provenzano, Kennedy, Barnes and Hammerand).

Special One-Day Liquor License: The Commission met with applicants from Pueblos Unidos, Inc. who were requesting a "Class F" Special One-Day Liquor licenses for a rodeo event to be held at the McHenry County Fairgrounds on May 11, 2008. The Committee had reviewed this request at their March meeting and at that time had requested additional information on a security plan for the event and from the Fair Association. The applicant presented an agreement from the Fair Association to hold this event along with a security plan signed by the Sheriff. The applicant stated that alcohol would be sold from a booth. Members raised concerns that alcohol was not planned to be sold from a fenced area and purchasers would be allowed to carry drinks into the actual event. They also raised concerns with traffic and crowd control, they asked for specific plans to address concerns and to also include a map of where alcohol was to be purchased stated this would need to be in a fenced area. It was noted that the location could be within the City limits of Woodstock and if that was the case, they would need to purchase a liquor license from the City. After discussion, Mr. Provenzano made a motion, seconded by Ms. McCann, to approve a special event license for Pueblos Unidos upon receipt of a security plan, traffic control, confirmation of the special designated area for the purchase and consumption of alcohol, etc. Ms. Barnes stated with the vague plans, she would not be supporting this motion. On a roll call vote, the motion carried with four ayes (McCann, Kennedy, Provenzano and Hammerand) and one nay (Barnes).

The members then reviewed applications for the renewal of liquor and amusement licenses. Mr. Provenzano made a motion, seconded by Ms. McCann, to approve the renewals for applications received – except for Breakers. The motion carried with all members present voting aye on a voice vote. A listing of approved establishments is attached hereto and made part hereof.

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Mr. Provenzano made a motion, seconded by Ms. McCann, to give authority to Chairman Hammerand to approve any applications for renewal that are received prior to May 1, 2008. The motion carried with all members present voting aye on a voice vote.

The Breakers – Continued discussion regarding their liquor license application. Noting that both Ms. McGurn and Ms. Spielman would need to go through the finger printing process, Mr. Provenzano made a motion, seconded by Ms. McCann, to approve a Class A liquor license for The Breakers pending finger print results and receipt of \$1,000 application fee and \$1,500 liquor license fee along with three letters of recommendation for each applicant. The motion carried with all members present voting aye on a voice vote.

OLD BUSINESS

Update on Sting Operations: Ms. Rein reported that the fines had been received for The Breakers in the amount of \$500 and for Suds R Us in the amount of \$1,000. She asked for direction on the fine for Kief's Reef. Members stated if the owner does not wish a hearing a fine of \$500 should be imposed.

Ms. Rein submitted proposed amendments to the Liquor Ordinance that would address wine makers, adding a Class G license and BASSET training requirements. She asked that members review these suggestions for discussion at the next meeting. Mr. Provenzano also asked that consideration of a security plan policy be added along with language to address catering licenses and zoning for such businesses.

EXECUTIVE SESSION: None

ADJOURNMENT: Noting no further business, the meeting adjourned at 12:40 p.m. on a motion by Ms. Barnes, seconded by Mr. Kennedy, with all members present voting aye.

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