



**LIQUOR COMMISSION MINUTES
THURSDAY, MAY 27, 2021 AT 4:00 P.M.
CITY HALL COUNCIL CHAMBERS
111 SOUTH CAPITOL STREET
PEKIN, ILLINOIS 61554**

Fire Chief Trent Reeise called the meeting to order at 4:05 p.m.

The **PLEDGE of ALLEGIANCE** was led by Chief Trent Reeise.

ROLL CALL

The following members were present for roll call:, Fire Chief Trent Reeise, Police Chief John Dossey, Commission Member Dr. Timm Schwartz, and Commission Member Judy Heisel.

Also present: Attorney Katherine Swise, Liquor Commission Secretary Nicole Stewart, City Clerk Sue McMillan, Fire Captain Jamie Evans, City Engineer Josie Esker.

Absent: Liquor Commissioner Mark Luft and Deputy Liquor Commissioner Rick Von Rohr.

APPROVAL OF AGENDA

Motion made by Police Chief John Dossey, seconded by Commission Member Dr. Timm Schwartz to approve the May 27, 2021 agenda. On roll call vote all present voted Aye. Motion carried.

APPROVAL OF MINUTES

Motion made by Commission Member Dr. Timm Schwartz, seconded by Police Chief John Dossey to approve the Commission meeting minutes dated April 22, 2021. On roll call vote all present voted Aye. Motion carried.

PUBLIC INPUT/COMMENTS/QUESTIONS

No public input was received.

NEW BUSINESS

Application: Brian Battles, BC BBQ, 2601 S. 14th St.

Mr. Brian Battles, spoke to the Commission, stating that he had just arrived back in town and felt his application was complete. A motion was made by Commission Member Dr. Timm Schwartz seconded by Police Chief John Dossey to approve a liquor license to Brian Battles, BC BBQ. On roll call vote all present voted Aye. Motion carried.

Application: Schaefer Enterprises, LLC dba Lola's Slots & Video Poker 2, 3218 Court St.

City Attorney, Ms. Kate Swise, described the zoning location to be B-3 in which a license could only be issued if ancillary to a restaurant or tavern, and questioned the zoning of gaming parlors. Ms. Swise informed the Commission that the City Code did not address gaming, but was comfortable to say that a gaming parlor was allowed as an ancillary use. Billiards and pool halls were another similar use and if the use was not listed in the zoning code that it was not allowed. Ms. Swise advised that the code needed to be revised and would be at the upcoming Planning and Zoning Commission meeting. Commission Member Dr. Timm Schwartz stated that he would not feel comfortable not issuing a license to Lola's. Ms. Swise stated that the use could be considered a tavern. A motion was made by Police Chief John Dossey seconded by Commission Member Judy Heisel to issue a liquor license for Schaefer Enterprises, LLC dba Lola's Slots and Video Poker 2. On roll call vote all present voted Aye. Motion carried.

DISCUSSION

Outdoor Sales Area Ordinance (Sidewalk Use Permit)

City Attorney, Ms. Kate Swise, advised the Commission that temporary changes were made through the first executive order of the Mayor relaxing outdoor sales during COVID and there was consideration to make those changes to the code permanent. Ms. Swise explained that the ordinance would allow outside eating areas for other than a beer garden, which would require an additional rider on a liquor license. Restrictions would be placed regarding tents and fire safety issues. Ms. Swise proposed to lift the majority of outdoor sales with regard to alcohol. Chief Dossey expressed concern at West Dublin Pub that allowed outside sales in parking spaces on the streets without the use of storage container seating. Chief Dossey felt the City got lucky during COVID. Ms. Swise stated that the Liquor Commissioner/Mayor expressed support for outdoor events in the City and making the process as easy as possible. Ms. Swise proposed eliminating the distinction between a beer garden and outdoor sales area in the City Code. Commission Members present all gave consensus to remove beer garden definition and requirements. Commission members also discussed the aspect of live music in an outdoor sales area and requiring a special license to do so. Chief Reeise suggested requiring a special event permit for any outdoor music. Chief Dossey expressed concern with an outdoor sales area not be fenced in or walled with the potential of a tragic event. Ms. Swise concluded that a licensee's Dram Shop liability would cover any liability as there was tort immunity for that type of situation. Ms. Swise proposed allowing live music in outdoor sales areas on weekends from 7-11 p.m. City Engineer, Ms. Josie Esker, informed the Commission that she would like to be involved in issuing Sidewalk Use Permits for outdoor seating areas for inspection. Ms. Esker requested a checklist that has been signed by her before issuing a permit. Chief Reeise discussed fire safety requires such as egress and space heaters. Ms. Swise added that licensees with current beer gardens would not have to apply for a special event permit or outdoor sales area. Chief Dossey described the restaurant Hacienda's outdoor sales are just being construction fence. Ms. Swise stated that licensees were not allowed to bolt anything to the sidewalk and that it would have to stay moveable. The policy of the additional insured would stay in the code. Commission members gave consensus to present the ordinance at the June 14, 2021 Council meeting without bringing the item back for a vote at the next Liquor Commission meeting.

Special Events – One-Day Liquor License Requirement on City Right-of-Way

City Attorney, Ms. Kate Swise, led the discussion reiterating that the Mayor would like to remove obstacles for special events. Chief Dossey stated that he felt the city needed to continue requiring

a 30 day notice for special events with the submittal of an application due to union issues, overtime, manpower shortage or other considerations. Commission Member Dr. Timm Schwartz concurred. Ms. Swise added that a special event application would be required for a one day liquor license off premises. Chief Dossey stated that the previous City Manager directed the cost to the establishment but now those fees were reimbursed by the Tourism Committee for one day licenses involving city sponsored events. Chief Dossey reported no issues during the events downtown when Yesterday's Bar & Grill blocked off 4th Street. Ms. Swise explained that a Special Event license requires a Class C license in addition to their Class A License. The question to the Commission was to eliminate the requirement for a Class C and let the establishment only utilize their Class A license when not on City street or right-of-way. Ms. Swise stated that if the City required a Special Event Class C license than the State would also require one as well, but if the city did not require a one day license than the State would not. Ms. Swise also stated that the requirement that the City be the additional insured on city street or right of way would stay in the code. The City could partner with the business and reimburse the cost of the city as the additional insured.

Initial Liquor License Requirements Regarding Building & Fire Inspections

Liquor Commission Secretary Nicole Stewart led the discussion regarding requirements from Building, Fire and Police before a liquor license could be issued. Secretary Nicole Stewart stated that the City was trying to find a way to be more business friendly and possibly issue a contingent license subject to code conditions. The Commission discussed whether the State would accept a contingent license. Ms. Swise suggested that a contingent license could be issued or require the licensee to return to a meeting. Commission member Dr. Timm Schwartz discussed issuing a liquor license before an occupancy permit is issued so they could apply for a state liquor license but would not be allowed to open. Ms. Swise did not believe the change would be a code change but a just a policy. Dr. Timm Schwartz felt that the applicant would need to provide a site plan, ownership of the property or a lease agreement and insurance. Dr. Timm Schwartz stated that a license could be issued and revoked if they do not follow through with code requirements. Ms. Swise felt the license should be conditioned and if they did not meet the conditions of their license, we could have a hearing to revoke the license. Chief Dossey stated the police department could write a report and have them fined through the Liquor Commission. Ms. Swise summarized that if a licensee was selling liquor before meeting the conditions of their license then they are in violation, if they are operating with a co we have recourse for that. The Commission discussed have a policy in place set by the Commission instead of revising the code. The conditions set on a particular license will be a case by case basis.

Fire Captain Jamie Evans discussed the liquor license checklist with the Commission and requested feedback from the Commission. Fire Chief Trent Reeise felt the checklist was extremely important for fire safety requirements. Ms. Swise stated that she would like to see the checklist form for new applicants along with the Safebuilt form.

Ms. Swise again summarized that the Liquor Commission could issue a contingent license and set a time for them to return to show they have completed the conditions and remove those conditions. It does not have to be on the license, a record will be kept. The paper license would remain the same but would be contingent on receiving a Certificate of Occupancy. Ms. Swise confirmed that a lease agreement or proof of ownership would be required through the licensed year before a contingent license would be issued. Dr. Timm Schwartz felt a site plan would also need to be submitted. A liquor license cannot be issued if the applicant does not have the right to be in the

building. Ms. Stewart summarized the required documents from an applicant that would include an application, site plan, background check, dram shop insurance, lease agreement, and payment.

Penalty for Past Due Renewal Applications for a Liquor License

Chief Dossey suggested fining applicants \$500 for a late application to avoid spending hours of staff time contacting the licensees to remind them to apply. Chief Dossey felt the if the fine was hefty enough it would prevent licensees from applying late, as the police department does for rental registrations and crime free. Liquor Commission Members all agreed that the fine should be hefty and agreed with the \$500 amount. Ms. Stewart clarified that submittal of a renewal application without payment or supporting documentation would be subject to a \$500 penalty on May 1 of each year. City Clerk Sue McMillan reminded the Commission that the renewal applications were sent out 30 days in advance and discussion of sending an invoice 60 days in advance by the finance department. Ms. Swise stated that the liquor code outlines that the violation would have to come back to the liquor commission. Dr. Timm Schwartz suggested charging a penalty of \$100 per day up to 10 days. Fire Chief Reeise suggested if they do not renew on time an applicant would be treated as a new applicant. Ms. Swise read the provision of the code that would fine \$1,000 for the first violation within a 12 month period, \$1,500 for a second violation and \$2,500 for a third or subsequent violation within a 12 month period and each day that a violation would continue would constitute a separate offense. Essentially meaning that a fine could be assessed at \$1,000 for the first day, \$1,500 for the second day, \$2,500 for the third day and \$2,500 for the fourth day potentially, etc. not to exceed \$15,000 against a licensee for the duration of their license. Commission discussed writing an ordinance ticket under city code section 5-1 without a liquor commission hearing, but felt since there was specific code on liquor violations that would conflict with the general penalties, then the specific would control. Ms. Swise stated that licensees who do not submit a renewal application and continue to sell liquor after May 1 are in violation of the liquor code. Dr. Timm Schwartz felt if an establishment was operating with a license they were breaking the law and should be punished as such and shut down.

The Liquor Commission also discussed moving the application date for renewals to April 1st to allow time for invoicing and application processing. Ms. Swise suggested that a late fee could be charged after April 30th. City Clerk Sue McMillan suggested not using the invoicing system and to run a cash receipt. Ms. Stewart felt that it was an internal process that needed to be discussed with Finance.

Ms. Swise also reminded the Commission that violators could be charged with an ordinance violation through the adjudication process and fine them up to \$750 per day. Licensees would then have to come to the Liquor Commission for a new license as it would no longer be a renewal.

ANY OTHER BUSINESS

Motion to adjourn by Commission Member Dr. Timm Schwartz and seconded by Commission Member Judy Heisel. On roll call vote all present voted Aye. Motion carried.

Meeting adjourned at 5:49 P.M.

Respectfully submitted,
Nicole L. Stewart
Deputy City Clerk