



**LIQUOR COMMISSION MINUTES
THURSDAY, APRIL 26, 2018 AT 4:00 P.M.
CITY HALL COUNCIL CHAMBERS
111 SOUTH CAPITOL STREET
PEKIN, ILLINOIS 61554**

Deputy Liquor Commissioner Rick VonRohr called the meeting to order at 4:07 p.m.

The **PLEDGE of ALLEGIANCE** was led by Commission Member Timm Schwartz.

ROLL CALL

The following members were present for roll call: Liquor Commissioner John McCabe, Fire Chief Kurt Nelson, Deputy Liquor Commissioner Rick VonRohr, Liquor Commission Member Rose Hassler, and Commission Member Timm Schwartz.

Absent: Commission Member Chief John Dossey.

Also present: Attorney Sue Bosich and City Clerk Sue McMillan.

APPROVAL OF AGENDA

Motion made by Commission Member Timm Schwartz, seconded by Commission Member Rose Hassler to approve the April 26, 2018 Agenda. On roll call vote all present voted Aye. Motion carried.

APPROVAL OF LIQUOR COMMISSION MINUTES

Motion made by Liquor Commissioner John McCabe seconded by Fire Chief Kurt Nelson to amend the February 22, 2018 and March 22, 2018 to state that Deputy Liquor Commissioner VonRohr called the meeting to order. On roll call vote all present voted Aye to approve the minutes as amended. Motion carried.

PUBLIC INPUT/COMMENTS/QUESTIONS

Julie Reed from Circle K spoke to show support regarding agenda item 7.2 Discussion and Possible Action on Sale of Liquor in Gas Stations.

Nick Filarski spoke regarding Agenda Item 7.2 Discussion and Possible Action on Sale of Liquor in Gas Stations. He asked if he could make some suggestions to the proposed liquor code. He also asked which members would be voting on this recommendation, as he believes the liquor code states that the current voting Commission Members are lacking a voting person.

NEW BUSINESS

Attorney Sue Bosich: Hearing on Capitol Street Bar & Grill Violation of 2% Food and Beverage Tax

James L. Reames, owner of Capitol Street Sports Bar & Grill, spoke to state for the record that he is cooperating with the City. He is pleading guilty for ignorance of the law. He grew up in Pekin and he made a mistake and would not have invested money if he were going to skip out of town on a 2% tax. He has paid all of the fines, \$250 to the police department and has paid his liquor license renewal fee. He pleaded that all the laws have changed since he owned a bar 20 years ago. He apologized and is asking for the Commission's mercy. He does not feel he should be penalized any more for bringing tax dollars to the City of Pekin.

Attorney Sue Bosich added that his ordinance violation requested he pay \$500 but he said he has paid \$250 and that is what the police department accepted. He also has paid a fine with the Administrative Adjudication for violation of the City's Ordinance on top of the 2% tax due, which he is now current. Ms. Bosich confirmed that Vicki Bass and Treasurer Jim Wolf contacted Mr. Reames regarding the 2% tax. Mr. Reames pleaded they did not contact him until he had been opened for 14 months already. Deputy Liquor Commissioner explained that violation of the liquor license is normally \$500 for the first offense. They suspend the fine if there are no other violations for the year. If any other violations of the code he would get a new violation plus would have to pay that \$500 fine. He would also be in jeopardy of revoking his liquor license. Fire Chief Kurt Nelson motioned and seconded by Commission Member Timm Schwartz to suspend fine of \$500 and if no other violations it will go away. Mr. Reames also paid close to \$5,000 for the 2% tax. The \$500 would be immediately charged again if he has another violation this year. On roll call vote all present voted Aye. Motion carried. Hearing ended at 4:26 PM.

Discussion and Possible Action on Sale of Liquor in Gas Stations

Deputy Liquor Commissioner VonRohr referred to the handout of the liquor code proposed changes and proposed ordinance to reflect the changes that included the deletion of separate entrances and defined the term gas stations. Commission Members will vote today to recommend it go to Council for review and Council can make the decision as to whether it will get changed. Liquor Commissioner McCabe asked regarding restrictions on issues of licenses and Attorney Sue Bosich clarified that section 3-3-3-4 of the code states that no license shall be issued to any premises whose primary service is the sale of products and services not related to the sale of alcoholic liquor except gas stations. Commission Member Timm Schwartz commented that perhaps safety issues are a factor but he doesn't see any reason not to pursue this. Fire Chief Nelson added that he does not like the wording of the proposed liquor code or ordinance but is in favor. Commissioner McCabe added that the code does not list premises that can sell liquor but only those that cannot. He also added that he has spoke to Council Members and has two that are for it, 2 that are opposed and 2 that are up in the air. Commission Member Timm Schwartz motioned a recommendation to an Ordinance change to allow the sale of liquor in gas stations. On roll call vote present voted Aye. Motion carried.

Discussion of Modification of Liquor Code

Liquor Commissioner McCabe discussed modifying the code that Council Members cannot hold a liquor license. Attorney Sue Bosich stated that nothing has changed and she does not feel it needs to be revisited. She stated that it is part of the City Code. As Home Rule, we can legislate as long as the State Statute does not specifically say that we may not. Attorney Dancey gave a legal opinion to the Commission when this issue was first brought up.

Chief Nelson inquired about Mr. Reames coming in as an ordinance violation and it was adjudicated. Does that water down our process even though it's a separate issue. Deputy Commissioner VonRohr indicates that he has written ordinance violations for bar fights and the violations do get paid. Attorney Sue Bosich made it clear that these violations were two separate issues. Officer VonRohr stated that they do issue ordinance violations quite often.

Liquor Commissioner McCabe brought up the Code and what it says about the Liquor Commissioner. It says that the Liquor Commissioner can appoint a Deputy Liquor Commissioner that can act in lieu of or in absence of the Liquor Commissioner. Brings up the question on who does and who does not bring up actions. We need to look at Section 3-3-2 paragraph 4 and 3-3-3 paragraph A to make sure we are all in sync. Deputy Commissioner VonRohr commented that the Liquor Commissioner talked about not coming to the Commission meetings and having them just being a recommending body to him. The Liquor Commissioner still has the ability to reject a decision. Another way to address it would be to have the Liquor Commissioner be a member without the right to vote. It was decided it would be discussed with Attorney Sue Bosich to put a draft together.

ANY OTHER BUSINESS

It is renewal times for membership of the Liquor Commission. All agreed to keep serving their positions.

VonRohr announced that a company is going around and asking gas stations to put in gaming kiosks. He asked everyone to be aware that it is a felony in Illinois to possess a gaming machine outside of what the gaming board has. They are really big in Chicago and working their way downstate. We already had one store in Pekin that had them and they got rid of them that day.

Attorney Sue Bosich also announced that someone claiming to be from the IRS might be approaching businesses and telling them to change their Liquor License. She asked that you ask for identification and be aware.

Chief Nelson made a motion to adjourn and it was seconded by Commission Member Timm Schwartz. Meeting adjourned at 4:57 P.M.

Respectfully submitted
Nicole Stewart, Liquor Commission Secretary