



**LIQUOR COMMISSION MINUTES
THURSDAY, MARCH 28, 2019 AT 4:00 P.M.
CITY HALL COUNCIL CHAMBERS
111 SOUTH CAPITOL STREET
PEKIN, ILLINOIS 61554**

Deputy Liquor Commissioner VonRohr called the meeting to order at 4:00 p.m.

The **PLEDGE of ALLEGIANCE** was led by Liquor Commissioner John McCabe.

ROLL CALL

The following members were present for roll call: Liquor Commissioner John McCabe, Deputy Liquor Commissioner Rick VonRohr, Deputy Chief Little, Officer Jamie Evans, Commission Member Rose Hassler and Commission Member Timm Schwartz.

Also present: Attorney Katherine Swise and Liquor Commission Secretary Nicole Stewart.

Absent: Fire Chief Kurt Nelson and Police Chief John Dossey

APPROVAL OF AGENDA

Motion made by Commission Member Timm Schwartz, seconded by Commission Member Rose Hassler to approve the January 24, 2019 agenda. On roll call vote all present voted Aye, the agenda was approved.

APPROVAL OF MINUTES

Motion made by Commission Member Timm Schwartz and seconded by Commission Member Rose Hassler to approve the January 24, 2019 Commission meeting minutes. On roll call vote all present voted Aye. Motion carried.

PUBLIC INPUT/COMMENTS/QUESTIONS

Nick Filarski spoke to the Commission Members regarding the legalities of obtaining a combo license regarding Agenda Item No. iv pertaining to growlers. Mr. Filarski also asked for a clarification of Agenda Item No. iii.

NEW BUSINESS

New Applicant: Ol'Dad's, Inc. dba American Icon, 219 N. Capitol Street

Deputy Liquor Commissioner VonRohr stated that their application looks good and that he approves it. Commission Member Rose Hassler inquired as to whether Ol'Dad's was replacing this location and Deputy Liquor Commissioner VonRohr clarified that it was a new establishment. A motion was made by Commission Member Schwartz and seconded by Officer Jamie Evans. On roll call vote, all present voted Aye. Motion carried.

Recommendation on proposed Amendment: Liquor Code Title 3, Chapter 3, Section 4, and Subsection 4V Premises Restrictions on Issuance of License (Ord. No. 2801 -18/19 08/27/2018) Establishments where products and services are sold i.e. Menard's, salons, jewelry stores

Attorney Katherine Swise explained the item. Discussion was made regarding the types of stores that this would include. A motion was made by Liquor Commissioner Member Timm Schwartz and seconded by Commission Member Rose Hassler. On roll call vote, all present voted Aye. Motion carried.

Recommendation on proposed amendment: Liquor Code Title 3, Chapter 3, Section 3 Local Liquor Commission Regarding Voting Members

A motion was made by Commission Member Timm Schwartz to adopt to recommend to Council the amendment, seconded by Officer Jamie Evans. Liquor Commissioner John McCabe explained the item and how the Code does not specify anything with regards to voting members. Commission Member discussed the language and how many members should be appointed and whether the Liquor Commissioner should vote in the absence of the Deputy Liquor Commissioner. Attorney Swise added that the other members with regards to voting were not changed in the proposed amendment, but can be added. Ms. Swise stated that she only made changes to Title 3, Chapter 3, Section 2. Commission Member Schwartz agreed with the Liquor Commissioner that the code should state all voting members. The members also discussed that the code states that the Mayor can appoint one or more deputy liquor commissioners and discussed that if there were two, one would not be able to vote. Commission Member Schwartz agreed that the code should state that there are 5 voting members. Liquor Commissioner McCabe pointed out that the only designee allowed is for the Police and Fire Chiefs. Attorney Katherine Swise amended the proposed ordinance regarding voting members adding a new subsection D stating that the commission shall consist of 5 voting members and a majority of voting members shall constitute a quorum. Technical corrections were made, clarification that the Deputy Liquor Commissioner is entitled to vote and when Deputy Liquor Commissioner is absent the Local Liquor Commissioner should vote. Deputy Liquor Commissioner Schwartz amended the motion, seconded by Commission Member Rose Hassler. On roll call vote, all present voted Aye. Motion carried.

Recommendation on proposed amendment: Liquor Code Title 3, Chapter 3, Section 4, and Subsection 5 Classification and License Fees to include sale of growlers

Attorney Katherine Swise explained that the Liquor Control Act prohibits the filling or refilling of containers by anyone other than the manufacturer or distributor. That would include growlers. The only brewers allowed to fill containers are those that brew less than 3.7 million gallons per year which encompasses your craft and microbreweries. There is case law authority that even a city's home rule power cannot contradict that state law. They would have to be a Class One or Class Two license holder under the State to fill and sell directly to the public. Even if a local license was issued, the State would not approve it and the bar owner would then be risking their State license.

ANY OTHER BUSINESS

Discussion of Liquor Code revisions for upcoming codification

Liquor Commissioner John McCabe spoke about looking at recoding the Class A and Class B licenses. The Code does not specify for a Class A license whether it is full liquor or beer and wine only. The Code should be clarified so that on an application they can apply maybe for a Class A-1 or Class A-2 license. Deputy Liquor Commissioner VonRohr pointed out that they went through the entire code and made proposed revisions so that is easier for everyone to find things and to help make it uniform. Commissioner Member Schwartz stated that he would not know what to suggest because he doesn't know the day to day operations. Liquor Commissioner McCabe also suggested looking a license fees down the road.

Commission Member Rose Hassler inquired about why there is not a cap on licenses. Deputy Liquor commissioner VonRohr explained that we don't want to make it hard for business. If a major corporation came in and we couldn't issue a license we would lose their business.

Officer Jamie Evans discussed smoking lounges attached to liquor establishments and whether that could be added and addressed in the code. A lot of the establishments do not get a permit to build a smoking area. So the questions comes up in the field regarding a smoking lounge. Once it has a roof and doors it becomes something else other than a beer garden. Deputy Commissioner VonRohr added that we have found that it is taken care of through the health department. If the police issues tickets the City has to go to Springfield to testify, so now we have to send a City Attorney and police officer for a \$25 ticket. Officer Evans added that sometimes it's not deemed a building. The liquor commission stays away from the no smoking act because it is not about liquor. Liquor Commissioner McCabe added that people can smoke in a beer garden as long as it is classified as a beer garden.

Motion to adjourn by Commission Member Timm Schwartz and seconded by Commission Member Rose Hasler. Motion carried viva voce. Meeting adjourned at 4:49 P.M.

Respectfully submitted,
Nicole Stewart, Liquor Commission Secretary