



**LIQUOR COMMISSION MINUTES  
THURSDAY, JANUARY 24, 2019 AT 4:00 P.M.  
CITY HALL COUNCIL CHAMBERS  
111 SOUTH CAPITOL STREET  
PEKIN, ILLINOIS 61554**

Liquor Commissioner John McCabe 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, Police Chief John Dossey, Fire Chief Kurt Nelson, Commission Member Rose Hassler and Commission Member Timm Schwartz.

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

**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 November 29, 2018 Commission meeting minutes. On roll call vote all present voted Aye. Motion carried.

**PUBLIC INPUT/COMMENTS/QUESTIONS**

Tom West, owner of West Dublin Pub, addressed the Commission requesting a variance in the liquor code to open two hours earlier on Sunday, March 17, 2019 for St. Patrick's Day. Mr. West explained that he is planning on having an event that includes an Irish breakfast, music and dancing. He further explained that bar establishments in Peoria, including Kelleher's are opening earlier as well. Deputy Liquor Commissioner VonRohr stated that this item was on the agenda and it would be discussed then.

Dave Nutter announced that he is here to support Tom West and other business owners downtown to open at 8 AM and feels this is a progressive step for Pekin which will bring in additional revenue. It also allows Pekin to compete with Peoria. Mr. Nutter stated that the next St. Patrick's Day to fall on Sunday will be the year 2024, and this year it will give people an opportunity to be open Sunday morning bringing more people downtown.

Dustin Maquet, owner of Maquet's Rail House announced that the business is going on its 5<sup>th</sup> year. He explained that last year the business opened early and that there is a need for Pekin to keep people downtown instead of heading to Peoria.

## **UNFINISHED BUSINESS**

### **Recommendation: Amending Liquor Code Title 3, Chapter 3, Section 6C(I) and (ii) to allow Employee Age for Stocking Alcoholic Beverages in Stores or Restaurants.**

Liquor Commissioner John McCabe stated that it has been a hindrance. The Commissioner explained that under the present ordinance anyone under 21 cannot stock liquor in different departments. In stores, it poses a problem with scheduling, it's an ease of burden with management and opens the opportunity for employment. Deputy Commissioner VonRohr commented in support of the item. A motion was made by Liquor Commissioner John McCabe and seconded by Commission Member Timm Schwartz. On roll call vote, all present voted Aye. Motion carried.

Liquor Commissioner John McCabe stated that the code suggests that the Liquor Commissioner votes in the absence of the Deputy Liquor Commissioner so he should not be voting on any items today. Deputy Liquor Commissioner VonRohr added that the Liquor Commissioner can still decide to veto a vote but is recommending he opt out.

## **NEW BUSINESS**

### **Discussion and Recommendation: Amending Liquor Code Title 3, Chapter 3, Section 5, and Subsection 1, Sales Regulations: Closing hours with regards to St. Patrick's Day**

Attorney Katherine Swise explained to the Members that the Liquor Code did not have to be amended to alter the hours to serve liquor on St. Patrick's Day and that a temporary order could be entered. Deputy Liquor Commissioner VonRohr suggested having the police take letters to every establishment. Liquor Commission Member Schwartz made a motion to recommend to the Liquor Commissioner to allow establishments to open and serve alcohol at 8 AM for one day on March 17, 2019, the motion was seconded by Commission Member Hassler. Liquor Commissioner McCabe clarified that establishments could open at 8 AM but the closing hours would remain the same, 1 AM. On roll call vote all present said 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 08/27/18) Establishments where products and services are sold i.e Menard's, salons, jewelry stores**

Liquor Commission Member Nelson made a motion to adopt the recommendation of the proposed amendment, Liquor Code Title 3, Chapter 3, Section 4, and Subsection 4V Premises Restrictions on Issuance of License (Ord. No. 2801 08/27/18) establishments where products and services are sold i.e Menard's, salons, jewelry stores and the clarification of those places, seconded by Deputy Liquor Commissioner VonRohr. Liquor Commissioner McCabe presented background on the agenda item. He explained that the code changed so that grocery stores are not restricted to a separate entrance, but the ordinance is not written clearly. Two problems exist, grocery stores are not allowed to sell alcohol or any business can sell alcohol. The intention was to make it less cumbersome for the grocery stores.

Attorney Katherine Swise explained that the issue is any premises whose primary focus is the sale of products and services not related to alcohol is pretty broad and removing grocery stores as a separate section threw them

into an unclear category. The amendment is not to prohibit grocery stores, clubs, restaurants, hotel and motel or pharmaceutical items from selling alcohol, but want to make sure places like Menard's, Big R's, salons, or jewelry stores don't sell alcohol.

Liquor Commission McCabe stated that this will be ready for actual vote for the next meeting.

The Commission discussed the number of Class A licenses and putting a cap on those.

Commission Member Schwartz moved to postpone the discussion until the next meeting when the language has been drafted, seconded by Commission Member Hassler.

Upon roll call vote all present said Aye. Motion carried.

## **ANY OTHER BUSINESS**

### **Discussion of Liquor Code revisions for upcoming codification**

Liquor Commissioner John McCabe spoke about raising license fees for Class A full service and Class A beer and wine. The Class A licenses are unclear as to what the license is for. It is specified on the application but it is unclear on the license. The Commission discussed other communities' license fees and looking at recoding the Class A and Class B licenses. The Liquor Commission will give a recommendation on the classification of licenses. Fire Chief Nelson clarified that the codification will be modifying the entire code, but this is one portion that is mentioned. The Commission continued to discuss the codification process.

Police Chief Dossey announced that there are people in the audience that are bar owners. He reiterated that if they are actually serving and running operation it is important to remember not to be under the influence. The police will do their job and if you find yourself in a situation make sure not to name drop.

Liquor Commissioner McCabe reminded the audience of the sober server code and that it is imperative that the bar owner or manager on site be sober throughout their shift.

Deputy Liquor Commissioner VonRohr added that bar owners that pour and sell are not allowed to sell package liquor. Bar owners are turning each other in, if they are caught they will have a fine.

Dan Steinbach spoke to the members and asked the commission attest to fining bar owners for selling package liquor and suggested random checks by police. He stated that his establishment has never allowed employees to drink and other bars do. It would only take one person getting caught and it would put an end to it.

Deputy Liquor Commissioner VonRohr explained that there is a fine line on people's rights. The police cannot go in an establishment without probable cause or reasonable suspicion. They can issue an ordinance citation and come to a hearing and the bar takes a strike against their license.

Police Chief Dossey added that it is a supervisory issue. Bar owners should make a policy and handle it as they see fit.

Dustin Maquet stated that he does not sell package liquor although he knows bars that do, but he cannot sell a growler. He feels it is not a level playing field as it is not enforced. Deputy Liquor Commissioner added that unless an officer sees it, it is tough to enforce.

Deputy Liquor Commissioner made a motion to adjourn and was seconded by Fire Chief Nelson.

City Clerk Sue McMillan inquired whether there will be a discussion on florists, ribbon cuttings and hair salons for the sale or serving of alcohol. Liquor Commissioner explained that ribbon cuttings fall into a different category because if they choose to give away a drink at their establishment it is out of the realm of the Liquor Commissioner. City Clerk Sue McMillan added that it was not addressed in the liquor code at all. Commissioner added they would need a liquor license only to sell.

Nick Filarski asked if the change to the code allowing 18 year olds to stock required basset training. Deputy Liquor Commissioner VonRohr answered no, only if they are serving.

Motion to adjourn carried viva voce. Meeting adjourned at 4:26 P.M.

Respectfully submitted,  
Nicole Stewart, Liquor Commission Secretary