

**FREERPORT LIQUOR COMMISSION
REGULAR RESCHEDULED MEETING
JUNE 21, 2018 – 4:30 P.M.**

With a quorum being present, a regular rescheduled meeting of the Freeport Liquor Commission was called to order by Mayor Miller at 4:37 p.m. on June 21, 2018, in Conference Room 1-A at City Hall, 314 West Stephenson Street, Freeport, Illinois.

Present upon roll call were Commissioner and Mayor Jodi Miller and Commissioners Stacy Fernstaedt, Don Parker, and Jeff Davis. Commissioner Tim Mahoney was absent.

Also present for the City of Freeport: City Clerk Dovie Anderson and City Legal Counsel Steve Cox, Esq.

Minutes

Commissioner Fernstaedt moved and Commissioner Davis seconded to approve the minutes from the Regular Meeting on May 10, 2018, and Special Meeting on May 31, 2018. Motion prevailed by a voice vote.

Public Comments

There were none.

Item #2 - Consent Agenda

All items on the Consent Agenda are considered to be routine in nature and will be enacted in one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event, the item will be removed from the Consent Agenda and considered as the first item after approval of the Consent Agenda.

A. Approval of Liquor License Renewal Applications for:

NO.	OLD CLASS	NEW CLASS	BUSINESS NAME	ADDRESS
1	AR-V	R-PV	Amigos Restaurant; AKMJ Enterprise	306 N. Galena Ave.
2	A-R	R	Applebee's Neighborhood Grill & Bar; The Bloomin Apple	1802 S. West Ave.
3	B-1	W-P	Boco Mini Mart; Bowen Oil Company	511 E. Stephenson St. 1100 W. Galena Ave., Suite #2
4	AR-V	R-V	Eilert's; Freeport Lanes, Inc.	
5	B-1	P	Fas Mart #5223; GPM Midwest, LLC	865 W. Galena Ave.
6	B-2	P	Freeport Cork Keg N Liquors; Rajkrupa Beverages, Inc.	1823 S. West Ave.
7	A-R	R	Freeport Elks Lodge #617	608 W. Stephenson
8		R-P	Galena Supermarket & Restaurant	207 S. Galena Ave.
9	A-V	A-PV	Horizon Liquors Inc.	27 S. Walnut Ave.
10	W	W	Ichiban Japanese Grill & Sushi, Inc	2019 W. Galena Ave.
11	A-R	R	Imperial Palace	1735 Ihm Blvd. 1640 S. Willard Dr.
12	W	W	Pizza Hut #1; Tennyson Enterprises, Inc.	
13	W	W	Pizza Hut #2; Tennyson Enterprises, Inc.	1428 W. Galena Ave.
14	P	P	Pride of Freeport	1220 W. Galena Ave.
15	A-V	A-PV	Runte Sunshine Liquors,	200 S Adams Ave.
16	B-2	P	Starshine Spirits; Double A Market Inc.	607 N. West Ave.

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17	AR-V	R	The Freeport Club; FCC Holdings, Inc.	1614 S. Park Blvd.
18	B-2	P	Walmart #1740; Walmart, Inc.	2545 IL Rte 26 South

Attorney Cox stated that items #2 and #15 would be removed from Consent Agenda A because they had already been approved last month. Item #16 would be removed for separate consideration.

Commissioner Davis moved and Commissioner Parker seconded to approve Consent Agenda A (with items #2, #15, and #16 removed). Motion prevailed by a voice vote.

Consent Agenda A, Item #16 – Starshine Spirits has yet to submit an application for Resident Manager. Commissioner Davis moved to approve Double A Market Inc. d/b/a Starshine Spirits for a Class “P” liquor license subject to submission of a Resident Manager and approval of Chief of Police. Commissioner Parker seconded and the motion prevailed by voice vote.

B. Approval of Liquor License Renewal Applications with Supplemental Outdoor Sales (and other Supplemental Applications) for:

NO.	OLD CLASS	NEW CLASS	BUSINESS NAME	ADDRESS
1	AR-V	R-VO	4 Seasons/Jumpin’ Joe’s; Freeport Lanes	1100 W. Galena Ave.
2	AR-V	R-PVO	Cimino’s Little Italy	421 N. Challenge St.
3	AR-V	R-VO	Fraternal Order of Eagles Aerie #679	1200 W. Galena Ave.
4	AR-V	R-VO	Freeport Moose Lodge #162	601 E. South St.
5	P	K-O	Generations Brewing Co. LLC	1400 S. Adams Ave. 1803, 1805, & 1807 S. West Ave.
6	AR-V	P-VO	Logan's Bar & Grill	1350 W. Galena Ave.
7	A-V	R-PVO	Pretzel City Pub, Inc.	219 E. Stephenson St.
8	AR-V	R-VO	Pub 219; 219 Ventures LLC	10-16 N. Chicago Ave.
9	AR-V	R-VO	This Is It Eatery; TIIE Corp.	

Attorney Cox stated that Items #4, #8, and #9 have a question regarding the boundary of the outdoor sales area. Those locations need to submit a proposed barrier. Chief Barkalow has expressed that he does not have strong feelings on what the barrier consists of, there simply needs to be some sort of delineation of the boundaries that is enforceable. Commissioner Davis made a motion to approve the Liquor License renewals outlined in Consent Agenda B with the contingency that Freeport Moose Lodge #162, Pub 219, and This Is It Eatery work with the City to reach an agreement on suitable barriers. Commissioner Parker seconded and the motion prevailed by voice vote.

Item # 4 – Unfinished Business

Item #4.A – Status Update – Liquor License for Signature Lounge LLC, 225 W. Main Street – “A”

Clerk Anderson stated that owner Danaro Thomas was given permission by Community Development to open one night in portions of the building that have passed inspection for an event on May 26, 2018.

Item #4.B – Status Update – Wagner House, 1 E. Spring St. – “AR”

Clerk Anderson reported that Wagner House has a Temporary Certificate of Occupancy through August 6, 2018.

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Item #4.C – Status Update – Pride of Freeport, 1220 W. Galena Ave. – “P”

Clerk Anderson stated that Owner Raman Kaur has reported that they are under construction and will be applying for a Class “LR” Liquor License and Supplemental Video Gaming License

Item #4.D – Gomez Reyes Group Inc. d/b/a Galena Supermarket & Restaurant – “R” with Supplemental Package Goods

Galena Supermarket & Restaurant has a Resident Manager approved and they have turned in their Certificate of Insurance, so they have picked up their Liquor License. They will be submitting an application to the State.

Item #4.E – Expresslane , 1736 W. West Avenue – “LR”

Expresslane has turned in their “Combined” State liquor license which allows them to pour, which meets all contingencies for their City liquor license. Owner Kathy Peugh reports that they are waiting for their State video gaming license.

Item #4.F – The Bloomin’ Apple d/b/a Applebee's Neighborhood Grill & Bar, 1802 S. West Avenue – “R”

Clerk Anderson reported that we received the approval for Resident Manager Amanda Morhardt from the Police Department.

Item #5 – New Business

Item #5.A – Resident Managers

Mayor Miller stated that background checks have been received from the Police Department on all of the following Resident Managers.

Item #5.A.1 – Consideration of Request for Resident Manager Change at Horizon Liquors Inc., d/b/a Horizon Liquors Inc., 1130 S. Galena Ave.

Commissioner Davis made a motion to approve Jennifer Brentner as Resident Manager for Horizon Liiquor, Commissioner Fernstaedt seconded, and the motion prevailed by voice vote.

Item #5.A.2 – Consideration of Request for Resident Manager Change at TIIE Corp., d/b/a This Is It Eatery, 10-16 N. Chicago Ave.

Commissioner Fernstaedt made a motion to approve Sheila Miller as Resident Manager for This Is It Eatery, Commissioner Parker seconded, and the motion prevailed by voice vote.

Item #5.A.3 – Consideration of Request for Resident Manager Change at Tennyson Enterprises, Inc. d/b/a Pizza Hut #1, 1640 S. Willard Dr.

Commissioner Parker made a motion to approve Noah Bloyer as Resident Manager for Pizza Hut #1, 1640 S. Willard Dr., Commissioner Davis seconded, and the motion prevailed by voice vote.

Item #5.A.4 – Consideration of Request for Resident Manager Change at Tennyson Enterprises, Inc. d/b/a Pizza Hut #2, 1428 W. Galena Ave.

Commissioner Parker made a motion to approve April Carey as Resident Manager for Pizza Hut #2, 1428 W. Galena Ave., Commissioner Fernstaedt seconded, and the motion prevailed by voice vote.

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Item #5.B – New Liquor License Application

Item #5.B.1 – Consideration of New Application for a Class CR Liquor License for Rafters Restaurant LLC, 9426 W. Wagner Rd., Lena

Attorney Cox explained that this is a new caterer licensee whose primary jurisdiction is in Lena. Clerk Anderson stated that there will be no Resident Manager for caterers and we are waiting on a background check for the owner. They have submitted one event for a customer appreciation at the fairgrounds and a second event for Business After Hours. As per the new Ordinance, the catered events will be circulated internally and only go before Liquor Commission if there is a concern. Commissioner Davis made a motion to approve the Class CR Liquor License for Rafters; seconded by Commissioner Parker; and the motion prevailed by voice vote.

Item #5.C – Renewal Liquor License Applications

Item #5.C.1 – Consideration of a Class R with Supplemental Outdoor Sales Liquor License for Cannova's, Inc., d/b/a Cannova's, 1101 W. Empire St.

Attorney Cox stated that they have submitted a diagram for Supplemental Outdoor Sales in their parking lot which needs a clarification on boundaries. Clerk Anderson added that they have not yet paid their application fee to Community Development. Commissioner Davis made a motion to approve the R Liquor License with Supplemental Outdoor Sales for Cannovas and Commissioner Fernstaedt seconded. Commissioner Parker stated that he was working the night a couple was killed crossing the street at Cannova's and he would not be voting in favor of this. Mayor Miller called for a voice vote and the motion prevailed 2 to 1.

Item #5.C.2 – Consideration of a Class WP Liquor License for Expresslane, Inc., d/b/a Express Lane Gas, 2065 W. Galena Ave.

Clerk Anderson clarified that the agenda reflected a Class P license, but after contacting the owner, they are applying for a Class WP. Attorney Cox stated that this is a step down from what they initially paid for years ago, but they do not want to add the sale of hard liquor. Commissioner Parker made a motion to approve the Class WP Liquor License for Expresslane, 2065 W. Galena Ave.; seconded by Commissioner Davis; and the motion prevailed by voice vote.

Item #5.C.3 – Consideration of a Class R Liquor License for Antonio Y Alfredo, Inc., d/b/a Fiesta en Cancun, 1735 S. West Ave.

Commissioner Fernstaedt made a motion to approve a Class R Liquor License for Fiesta en Cancun; seconded by Commissioner Davis ; and the motion prevailed by voice vote.

Item #5.C.4 – Consideration of a Class A Liquor License for Grand River Hall, 101 S. Liberty Ave.

Mayor Miller stated that they currently have a Class AR license, but their kitchen is not ready so they are renewing as a Class A. Commissioner Parker made a motion to approve a Class A Liquor License for Grand River Hall; seconded by Commissioner Davis ; and the motion prevailed by voice vote.

Item #5.C.5 – Consideration of a Class W-V (grandfathered) with Supplemental Video Gaming Liquor License for Manny's Four Inc. d/b/a. Manny's, 1726 S. West Ave.

Commissioner Davis made a motion to approve a Class W Liquor License with Supplemental Video Gaming for Manny's; seconded by Commissioner Fernstaedt; and the motion prevailed by voice vote.

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Item #5.C.6 – Consideration of a Class R Liquor License with Supplemental Outdoor Sales and Video Gaming for Mazzarisi Gaming Inc., d/b/a. Maria's Gaming Lounge, 928 W. Galena Ave.

Clerk Anderson stated that Maria's submitted a Category II Health Department Permit this afternoon. They are not able to produce a valid State Video Gaming License. Attorney Cox stated that there is an administrative dispute that the Gaming Board is investigating. Commissioner Fernstaedt made a motion to approve a Class R Liquor License with Supplemental Video Gaming and Outdoor Sales for Maria's contingent upon the State allowing video gaming to continue. If the State revokes their license, the City will also revoke its Supplemental Video Gaming license. The motion also included a housekeeping matter expanding the premises to 928-930 W. Galena Ave. Commissioner Davis seconded and the motion prevailed by voice vote.

Item #5.C.7 – Consideration of a Class A Liquor License with Supplemental Outdoor Sales for Steve Marten, d/b/a Mort's, 114 S Chicago Ave.

Clerk Anderson stated that Mort's already has its Sidewalk Café and Parklet approved through Community Development. This is approving the liquor portion of that as well as a future beer garden in the parking lot behind the building. Commissioner Parker made a motion to approve a Class A Liquor License with Supplemental Outdoor Sales for Mort's; seconded by Commissioner Davis; and the motion prevailed by voice vote.

Item #5.C.8 – Consideration of a Class R Liquor License with Supplemental Video Gaming for Moseley Loewe VFW Post #998, 1802 E. Shawnee

Commissioner Parker made a motion to approve a Class R Liquor License with Supplemental Video Gaming for the VFW; seconded by Commissioner Fernstaedt; and the motion prevailed by voice vote.

Item #5.C.9 – Consideration of a Class R Liquor License with Supplemental Video Gaming for Rte. 26 Sports Bar & Grill, Inc., 1024 Riverside Drive, Suite C

Commissioner Davis made a motion to approve a Class R Liquor License with Supplemental Video Gaming for the VFW; seconded by Commissioner Fernstaedt; and the motion prevailed by voice vote.

Item #5.C.10 – Consideration of a Class A Liquor License with Supplemental Package Sales and Video Gaming for Domino Liquors, Inc., d/b/a Tony's, 1001 W. Galena Ave.

Commissioner Parker made a motion to approve a Class R Liquor License with Supplemental Video Gaming for the VFW; seconded by Commissioner Davis; and the motion prevailed by voice vote.

Item #5.C.11 – Consideration of a Class A for Signature Lounge, LLC, d/b/a Signature Lounge, 225 W. Main St.

Clerk Anderson stated that Signature Lounge has not submitted an application yet. Attorney Cox advised that if an application is submitted by June 30, 2018, we can accept it. However, after that, the license will lapse. Absent an application, there is no action that can be taken by the Liquor Commission.

Item #5.C.12 – Consideration of a Class R Liquor License with Supplemental Video Gaming and Outdoor Sales for Benchwarmers Sports Bar & Grill, 2143 W. Galena Ave.

Mayor Miller stated that Benchwarmers has not paid food and beverage tax for January 2018. Commissioner Davis made a motion to approve a Class R Liquor License with Supplemental Video Gaming and Outdoor Sales for Benchwarmers contingent upon receipt of outstanding food and beverage tax. Commissioner Fernstaedt seconded and the motion prevailed by voice vote.

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Items 5.C.13 through 5.C.16 – Consideration of: Class R Liquor License with Supplemental Packaged Sales, Video Gaming, and Outdoor Sales for Rosati's Pizza Pub Development - Freeport LLC, 2725 IL Route 26 S., Unit A; Class R Liquor License with Supplemental Video Gaming and Package Sales for Royco Inc., d/b/a Royal Pub & Royal Liquor, 306 N. Park Blvd.; Class R Liquor License with Supplemental Outdoor Sales and Package Sales for 1 Spring Events LLC, d/b/a Wagner House, 1 E. Spring St.; Class H Liquor License for Jeff Krogull, d/b/a Krogull's, 4 S. Walnut Ave.

Commissioner Parker made a motion to approve the licenses as outlined in Items 5.C.13 through 5.C.16; seconded by Commissioner Davis; and the motion prevailed by voice vote.

Item #6.A – Other: Discussion of Licensee Inquiries

Attorney Cox noted that on the May 31, 2018, Consent Agenda, Applebee's was not listed and he wanted to be sure that the liquor license was approved in conjunction with the Resident Manager. Clerk Anderson stated that it was listed separately and the renewal application and Resident Manager were combined. Commissioner Parker made a motion to approve a Class R license for Applebee's; seconded by Commissioner Davis; and the motion prevailed by voice vote.

Attorney Cox stated that there is a disconnect between the Ordinances for Liquor and Zoning. He has drafted a guidance letter which he would like Commissioners to review prior to next month's meeting. Since drafting the letter, there was a meeting between Nancy McDonald in Community Development, Mayor Miller, Attorney Cox, City Manager Lowell Crow, and Clerk Anderson. At this meeting, Attorney Cox distributed proposed wording to transition from this year's Supplemental Outdoor Sales for liquor until such time as the Zoning codes can be rewritten. Based on the old language of the Zoning code, A Special Use Permit is needed for outdoor food sales in all zoning districts except downtown. He is interpreting that to mean that a Special Use Permit is needed for something "permanent". In regards to restaurants with outdoor serving areas, if a restaurant wants to place a few tables, chairs and planters outside, he is proposing that that is a temporary configuration, not a zoning change. He cautions that this is only a temporary solution and would recommend getting the Zoning Ordinances redrafted as soon as possible. If a restaurant is not building a patio or other permanent improvement, they may do so without a Special Use Permit. For the more temporary uses of a Sidewalk Café, Parklet, or outdoor food and liquor sales outside of downtown, the usual Supplemental Outdoor Sales for liquor and appropriate Community Development applications will be all that is required. Attorney Cox summarized by saying that the Liquor Commission and the rewriting of the Liquor Codes did everything we could to make things go more smoothly for licensees; however, we are running into collisions with other sections of Code. He reminded Commissioners that, over the next few months, we will go over a few revisions that are needed to the Liquor Code re-write to cleanup errata.

Commissioner Davis addressed the requirement of a barrier around outdoor serving areas. Attorney Cox stated that the provision was purposefully left open for owner creativity. He believes there is a compromise that can be met. For this year, the owner will submit their proposal and department heads, especially Police Chief Barkalow for enforcement, Dennis Carr for ADA compliance, and Nancy McDonald with Community Development for outdoor sales, will give their input. Attorney Cox stated that the proposed guidelines provide for a *de minimus* of a few tables and chairs that are very portable. Up to a certain amount of seating, there will be a permitted use standard which will have its own setback for placement of tables and chairs. If property abuts Residential or Business, there will be two different

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standard setbacks. A required square foot per table could be identified. Planning Commission will also have input to rewriting the Zoning codes.

Clerk Anderson brought up the topic of Resident Manager because several owners had difficulty meeting the new requirements of residing within City limits, being a U.S. Citizen, and a full-time employee. Attorney Cox stated that there is no way around it except to ignore it and some municipalities have done that. He feels that there could be an argument to extending it to the County. The State statute says that owners have to reside within City limits unless they are a corporation. Resident Managers need to meet the same requirements as owners. As individuals, they must live within City limits. Clerk Anderson stated that a new liquor licensee is having difficulty finding a Resident Manager and asked that she pass along their concern.

Public Comments

Troy Barr with Pub 219 submitted an application for Supplemental Outdoor Sales. He already has a Sidewalk Café permit from Community Development. He was asking about the barrier. He is to revise his drawing showing the barrier and the City will work with getting that adjusted and approved through Department Heads. He also asked about the effective date of the Supplemental Outdoor Sales. Attorney Cox stated that the renewal of the liquor license will be July 1, 2018, but the supplementals will be effective when permitted. With the agreement of the Liquor Commission, licensees will be allowed an extra nine days prior to the July 1 renewal date.

Gary Truckenmiller with Pizza Hut stated that he has been a General Manager for 25 years and he has a Freeport address, but does not live within City Limits. He expressed his concern of not being able to be the Resident Manager. Attorney Cox stated that the Authorized Agent, that we have newly adopted, may be the way to fit both of our needs. Sharon Khoury with Horizon Liquor asked why one person could not be the Resident Manager at two locations. Attorney Cox explained that one person cannot be full-time at two places. He added that one person could be the Authorized Agent at two locations. Attorney Cox stated that some communities have chosen to ignore this requirement because it does not work.

Two Commissioners are unable to make the July 12, 2018, meeting. Upon comparing calendars, it was decided to hold a regular rescheduled meeting on Tuesday, July 17, 2018, at 4:30 p.m. Clerk Anderson is to follow up with Commissioner Mahoney.

Upon a motion duly made and seconded, the meeting was adjourned at 5:42 p.m.

Respectfully submitted,
Dovie L. Anderson
City Clerk