



**LIQUOR COMMISSION MINUTES
THURSDAY, OCTOBER 24, 2013
4:00 P.M.
CITY HALL COUNCIL CHAMBERS**

Liquor Commissioner Barra called the meeting to order at 4:02 p.m.

PLEDGE of ALLEGIANCE led by Fire Chief Nelson

ROLL CALL

The following members were present for roll call: Liquor Commissioner Laurie Barra, Deputy Liquor Commissioner Rick VonRohr, Police Chief Greg Nelson, Fire Chief Kurt Nelson, Commission Member Dale Vonderheide, and Commission Member Buster Hanley.

Also present: Attorney Sue Bosich – Corporation Counsel

Public present: Nick Filarski, Attorney Bridgett Lobacz, David Mahoney, Dianne Walters, Aaron Rodgers, and Dustin Maquet

APPROVAL OF AGENDA

Motion made by Commission Member Vonderheide to approve the Agenda for October 24, 2013, seconded by Commission Member Hanley. On roll call vote all present voted Aye. Motion carried.

APPROVAL OF MINUTES

Motion made by Commission Member Hanley to approve the Liquor Commission Minutes of September 26, 2013, seconded by Police Chief Nelson. On roll call vote all present voted Aye. Motion carried.

PUBLIC INPUT/COMMENTS/QUESTIONS

Dianne Walters with Casey's General Store wanted it on record that Casey's is still very much interested in obtaining a liquor license for their Pekin store. She thought she would have received a phone call if it was going to be on the Agenda. Not showing up to past meetings does not mean Casey's is not interested.

OLD BUSINESS

Sub-Committee Report Recommendation to sell alcohol (beer and wine) in selected gas stations/convenience stores

VonRohr made a motion to open up for discussion, seconded by Commission Member Vonderheide. On roll call vote all present voted Aye. Motion carried.

Discussion: Liquor Commissioner Barra has not had a chance to talk with all City Council Members, would like to table this discussion until the November meeting. If the City Council shows no interest in changing our current Liquor Code then will not bring the recommendation to Council.

Commission Member Vonderheide made a motion to table the discussion of the Sub-Committee Report for Recommendation until the November Liquor Commission meeting, seconded by Commission Member Hanley. On roll call vote all present voted Aye. Motion carried.

Before the end of the meeting we will have to pick a day in November, since our next meeting falls on Thanksgiving. November 21st, 2013 at 4:00pm. VonRohr will not be in attendance.

Discussion: Quick Pic, 422 Derby Street – David Mahoney and his Attorney Bridgett Lobacz present. Attorney Lobacz stated we left off from the last Liquor Commission meeting that we didn't know if State Law would exclude us on the basis of having more than one license on the premises. She found a section in the State Law; Section 235 ILCS 5/7/14 and it says only one location so described in each location; I'll read the section to you; License issued by only to the premise described in that location as issued thereon and only one location shall be described in each license. Attorney Lobacz feels that it says that we can have one location per license, but it never says that you cannot have more than one license per location. By the plain language in the statute that we are not excluded from having a license; two licenses in the same building and there's still conversation about the definition of the premises which is defined in the Liquor Code. She feels the way the Code is written that her client's store fit into both the City and the State liquor code. Attorney Lobacz states Mr. Mahoney can and will separate his package liquor store and convenience store for a third business of a bar.

Attorney Bosich has a call into the State Liquor Control Commission. Bosich states the City of Pekin's Liquor Code does not allow combined liquor licenses and it would be a violation of our Code.

Police Chief Nelson states this would not fit into the City of Pekin's positive image and is not in favor of this. Liquor Commissioner Barra does not see three businesses in that building and doesn't see how it can be separated. Deputy Liquor Commissioner VonRohr has spoken with the Gaming Board representative and stated it's happening in other areas of the state where they are issuing gaming licenses for area's calling them "Little Casino's".

Motion made to table this discussion until the November 21st, 2013 Liquor Commission meeting.

NEW BUSINESS

New Application: Dustin Maquet – 221 Court Street

Discussion: On the application the box was not marked on what type of liquor license Dustin Maquet is seeking. He stated it would be a Class A. This business will be a restaurant/bar. He plans on opening sometime in January.

Motion made by Fire Chief Nelson to approve the liquor license for Maquet, Inc. contingent upon Inspections, Fire and Police walk-thru's. Mr. Maquet to call these departments when he's ready for a final walk-thru.

Deputy Liquor Commissioner VonRohr tables the discussion on "outside eating" to another meeting so he can do some more research.

Discussion: The High Note – Dyan Davis – 431 ½ Court Street

The High Note is behind on their 2% City Food and Beverage Tax, actually has never paid it since they've open their business. Attorney Bosich has the complaint ready to file and court next month on this issue. VonRohr stated he was ready to pull their liquor license because of not having their alarm system operational. They went and paid up until February 2014. Thursday, December 12th, 2013 they are cited and notified to appear before the Illinois Liquor Control Commission for failure to pay State Sales/Use Tax and Illinois withholding Income tax. If they pay before the court date, this Hearing is dismissed. VonRohr would like some direction on pulling their liquor license if they are not in compliance with the security alarm system. Attorney Bosich stated she will draft a complaint and they would need to be served.

2% Food and Beverage Tax

Melanie, Wastewater Supervisor emailed Liquor Commission late returns on 10/24/13.

Discussion: Sue Bosich stated she has complaint's ready to be filed in court for the Ordinance Violation for the 2% Food and Beverage tax on a non-alcohol business.

ANY OTHER BUSINESS

Fire Chief Nelson made a motion to adjourn, seconded by Police Chief Nelson, all in favor, motion carried.

Meeting adjourned 4:30 P.M.

Next Meeting will be Thursday, November 21, 2013 at 4:00 P.M.

Respectfully submitted, Paula Gensel