

**VILLAGE OF HUNTLEY
LIQUOR COMMISSION
August 8, 2019
MEETING MINUTES**

CALL TO ORDER:

A meeting of the Huntley Liquor Commission was called to order on Thursday, August 8, 2019 at 7:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main Street, Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Chairman Charles H. Sass; Commissioners: Ronda Goldman, Timothy Hoeft, Harry Leopold, John Piwko and JR Westberg.

ABSENT: Commissioner Niko Kanakaris

IN ATTENDANCE: Village Manager David Johnson, Assistant Village Manager Lisa Armour, Chief Robert Porter, Village Clerk Rita McMahon, Detective Theo Kallantzes, Management Assistant Barbara Read, and Village Attorney John Cowlin.

PUBLIC COMMENTS: None

ITEMS FOR CONSIDERATION:

A. Complaint – Best Priced Tobacco and Gifts, Inc. / 11717 Main Street

Chairman Sass asked for a motion to call the Complaint Hearing to Order.

A MOTION was made to call the Complaint Hearing to order for Best Price Tobacco & Gifts, Inc. at 11717 Main Street

MOTION: Commissioner Hoeft

SECOND: Commissioner Leopold

AYES: Commissioners: Goldman, Hoeft, Leopold, Piwko, and Westberg

NAYES: None

ABSENT: Commissioner Kanakaris

The motion carried: 5-0-1

Chairman Sass asked if the parties involved in this matter for Best Price Tobacco & Gifts present and asked that they step up to the podium and state your name for the record.

Mr. Hitesh Suchde gave his name for the record.

Chairman Sass: Do you acknowledge receipt of a copy of the charges and notice of the hearing?

Mr. Suchde: Yes

Chairman Sass: Do you waive reading of the charges?

Mr. Suchde: Yes

Chairman Sass: What is the plea for Best Price Tobacco & Gifts: Guilty or Not-Guilty?

Mr. Suchde: Guilty

Chairman Sass: You understand that by pleading guilty you are waiving the right to a hearing and appeal?

Mr. Suchde: Yes

Chairman Sass: Do you have anything you would like to offer to the Commission in mitigation that you wanted to explain?

Mr. Suchde: It was an honest mistake.

Chairman Sass asked if the Commission had any questions for the respondent; there were none.

Chairman Sass thanked Mr. Suchde and asked him to be seated.

Chairman Sass stated that the hearing was over and asked for a motion to close the hearing.

A MOTION was made to close the Complaint Hearing for Best Price Tobacco & Gifts, Inc.

MOTION: Commissioner Westberg

SECOND: Commissioner Goldman

AYES: Commissioners: Goldman, Hoeft, Leopold, Piwko, and Westberg

NAYES: None

ABSENT: Commissioner Kanakaris

The motion carried: 5-0-1

Chairman Sass stated that it was time to deliberate and asked for a motion to enter into Executive Session.

A MOTION was made to Enter into Executive Session at 7:04 p.m. for the purpose of discussion evidence and testimony presented during the hearing.

MOTION: Commissioner Leopold

SECOND: Commissioner Piwko

AYES: Commissioners: Goldman, Hoeft, Leopold, Piwko, and Westberg

NAYES: None

ABSENT: Commissioner Kanakaris

The motion carried: 5-0-1

At 7:07 p.m. Chief Porter and Detective Kallantzes were asked to enter the Executive Session room.

A MOTION was made at 7:11 p.m. to Exit Executive Session.

MOTION: Commissioner Leopold

SECOND: Commissioner Goldman

The Voice Vote noted all ayes and the motion carried.

Chairman Sass reported on the Executive Session discussion and announced the penalty for Best Price Tobacco & Gifts was a fine of \$4,000 to be paid to the Village Clerk within seven (7) days from this evening's meeting which is August 15, 2019; and, a suspension of 30 days beginning August 12, 2019 and ending at 11:59 p.m. on September 10, 2019.

Chairman Sass reported that the store may remain open but the liquor area is to be roped off. Chairman Sass reminded Mr. Suchde that the Police Department will be attentive to the fact that they are not allowed to sell alcohol and if the Police stop in and check and find the sale of alcohol, the next penalty will not be as lenient.

B. Consideration – An Ordinance for the Approval of an Oktoberfest Outside Event; Sew Hop'd Brewery LLC; 1 Union Special Plaza; September 28, 2019

Chairman Sass reported that the Village of Huntley regulates the sale of alcoholic beverages in the Village through its Liquor Control Ordinance, which provides for the issuance of certain classes of liquor licenses, establishes the number of licenses available in each class and considers requested outside events.

Staff Analysis

A request has been received from Sew Hop'd Brewery LLC (Sew Hop'd), 1 Union Special Plaza, to hold an Oktoberfest event on their premises on September 28, 2019 from 12:00 pm – 10:00 pm. Sew Hop'd currently holds a Class "J" liquor license. Below is the outline of the event and requests from Sew Hop'd. Details may be seen on the map included in the packet.

1. The hours of the event will be from 12:00 p.m. until 10:00 p.m. on Saturday, September 28, 2019.
2. A fence will be erected around the parking lot area being used for the event.
3. A 30' x 60' tent will be in the fenced in area and a 10' x 10' tent will be used for the entry checkpoint.
4. Temporary signage at the corner of Route 47 and Borden Street with a 4' x 10' two-sided banner to be placed two (2) weeks prior to the event.
5. Handicapped parking will be available.
6. Sew Hop'd will provide Basset trained employees and volunteers to monitor entry to the event at the ID checkpoint tent. Employees and volunteers will ensure alcohol does not leave the event premises.
7. Tickets will be sold online prior to the event and also at the gate. Wristbands will be provided to attendees 21 and over. Designated Driver wristbands will also be available and differ from the 21 and over wristbands with the stipulation being that no alcohol be served to those wearing the Designated Driver wristbands.
8. Outside garbage receptacles will be on site.

9. Live entertainment will be provided and is scheduled to stop at approximately 9:30 pm. A sound permit has been submitted. Sew Hop'd personnel will personally notify adjacent neighbors of the festival at least two weeks prior to the event.
10. Café 20 from Marengo will have traditional German fare for patrons to purchase. Snacks will be for sale within the taproom.
11. Beer available will be provided by Sew Hop'd Brewing, CLB Too Much Cologne, and Krombacher Pils.
12. No streets will be closed for the event.

Legal Analysis

Section 110 of the Village Code of Ordinances regulates liquor sale in the Village. The application has been reviewed and is in compliance with Section 110: Alcoholic Beverages requirements.

Chairman Sass asked if the Liquor Commission had any comments or questions.

Commissioner Piwko stated that he did not appreciate learning about the event on social media before requesting permission from the Liquor Commission.

There were no other comments or questions.

A MOTION was to approve an Ordinance Approving the Octoberfest Outside Event for Sew Hop'd Brewery LLC on Saturday September 28, 2019 subject to the following conditions of approval:

1. **A Temporary Use Permit must be approved by the Village Board and issued by the Development Services Department.**
2. **Temporary signage at the corner of Route 47 and Borden Street with a 4' x 10' two-sided banner to be placed two (2) weeks prior to the event**
3. **Alcohol can only be sold and consumed in the designated area.**
4. **Anyone serving or selling alcohol must be BASSET trained.**
5. **The petitioner agrees to meet with Village Staff no later than 30 days prior to the event to present final security, parking, emergency plan and any other pertinent logistical information for the safe and orderly operation of the event.**
No less than one (1) week prior to the event:

6. **The petitioner shall provide the Village with a valid Certificate of Insurance for the outside event.**

MOTION: Commissioner Leopold

SECOND: Commissioner Hoeft

AYES: Commissioners: Goldman, Hoeft, Leopold, Piwko, and Westberg

NAYES: Commissioner Piwko

ABSENT: Commissioner Kanakaris

The motion carried: 4-1-1

- C. Consideration – An Ordinance Amending the Huntley Code of Ordinances – Business Regulations, Alcoholic Beverages Chapter 110 Section 110.24 – Limitation on Licenses – Adding one Class “A” License – Liquor Control Ordinance

Chairman Sass reported that the Village of Huntley regulates the sale of alcoholic beverages in the Village through its Liquor Control Ordinance, which provides for the issuance of certain classes of liquor licenses and establishes the number of licenses available in each class.

Staff Analysis

Consideration is being requested to amend the Liquor Control Ordinance to make available eighteen (18) Class “A” licenses instead of seventeen (17) in order to provide for the application from SMDMF LLC – Goodfella’s; 10980 Route 47. The application has been reviewed by Staff and is in order for consideration.

The Class “A” license shall permit the retail, sale on the premises specified, of alcoholic liquor, for consumption on the premises, as well as other retail sale of alcoholic liquor in the original package.

Listed below are the current licensed establishments with a Class “A” license:

- | | | |
|------------------------|------------------------|-----------------------------|
| 1. BBQ King Smokehouse | 7. Lucky Bernie’s | 13. Soula’s Village Inn |
| 2. Bowl Hi Lanes | 8. Millie’s LLC | 14. Tacos Locos |
| 3. Bricks & Ivy LLC | 9. Offie’s Tap | 15. Tee 2 Green Indoor Golf |
| 4. Brunch Café | 10. Pub 47 | 16. Rookies |
| 5. Casa Rubi-os | 11. Sal’s Pizzeria | 17. Tufano’s Pizza |
| 6. Jameson’s Huntley | 12. Sammy’s Restaurant | |

Financial Impact

The fee for an annual Class “A” License is \$1,500.00.

Legal Analysis

Section 110.24 of the Village Code of Ordinances limits the number of available licenses in each class. There is no available Class “A” license; therefore, if the Liquor Commission elects to issue a license to SMDMF LLC – Goodfella’s the Commission must create one (1) additional Class “A” license.

Chairman Sass asked if the Liquor Commission had any comments or questions; there were none.

A MOTION was made to approve an Ordinance Amending the Huntley Code of Ordinances – Business Regulations, Alcoholic Beverages, Chapter 110, Section 110.24 – Limitation on Licenses, Adding one (1) Class “A” License – Liquor Control Ordinance.

MOTION: Commissioner Westberg

SECOND: Commissioner Goldman

AYES: Commissioners: Goldman, Hoeft, Leopold, Piwko, and Westberg

NAYES: None

ABSENT: Commissioner Kanakaris

The motion carried: 5-0-1

- D. Consideration – An Ordinance Approving the Issuance of a Class “A” Liquor License to SMDMF LLC – Goodfella’s/10980 Route 47

Chairman Sass reported that the Village of Huntley regulates the sale of alcoholic beverages in the Village through its Liquor Control Ordinance, which provides for the issuance of certain classes of liquor licenses and establishes the number of licenses available in each class.

Staff Analysis

The Village is in receipt of an application for a Class "A" liquor license from Mr. Michael Skala owner of Goodfella's Beef (Goodfella's), 10980 Route 47. Goodfella's is planning to expand its operations to include the unit south (former Honey Fluff Donuts) of its current location to provide a dining area as well as video gaming. The overall size of the combined unit is approximately 1,800 square feet. Beer and wine will be offered at the pick-up counter. Table service will not be offered.

A site plan is included and Development Services Department Staff is reviewing the plans for the remodeling of the adjacent unit and will ensure that the plan meets all applicable building code requirements.

As part of the application process, the following items are required to be submitted:

- Signed and notarized Application with Affidavit (*Submitted*)
- Payment of \$1,500 (*Submitted*)
- Applicant Profile Information (*Submitted*)
- Registered Agent Profile Information (*Submitted*)
- Current Articles of Incorporation (*Submitted*)
- Current Lease / Deed (*Submitted*)
- Certificate of Insurance including Best Policy Rating (*Not Submitted*)
- Surety Bond (*Not Submitted*)
- State Liquor License (*Not Submitted*)
- BASSET training information for employees (*Must be submitted within 90 days of license issuance*)

All required documents have not yet been submitted which is not uncommon. The Liquor Commission can approve, and has done so in the past, a Class "A" liquor license with the conditions of approval being that all applicable documents including a certified copy (proof) of their State Liquor License be provided before the Village's liquor license becomes effective. The applicant has no more than 120 days to establish the liquor sales at the business or the Commission's approval is null and void. Additionally, should the Commission approve Mr. Skala's request for a liquor license, Section 110.22 of the Code of Ordinances would require an amendment. That section of the Code states that a County Board Member is restricted from holding a liquor license. Mr. Skala is a McHenry County Board Member.

Video Gaming

A video gaming application has also been submitted to be reviewed and considered by the Village Board. Mr. Skala has informed staff that if the video gaming license is not approved, he would not be interested in a liquor license at this time.

Per Village Code, video gaming cafes are prohibited except those approved prior to March 2017. The following is an excerpt from the code defining a video gaming café along with the criteria as presented by Mr. Skala.

Video Gaming Café. A "video gaming cafe" shall be defined as an establishment whose primary or major focus is to operate video gaming terminals as defined under the Illinois Video Gaming Act and the service of alcohol and food is incidental to the operation of video gaming. The following factors may be considered when determining if an establishment is a video gaming café:

- The layout and design of the establishment *See included site plan*
- The preparation and variety of food and beverages offered *See included menu*

- The creation and operation of a commercial kitchen on the premises *Existing kitchen is a commercial kitchen*
- The number of video gaming terminals relative to the customer seating capacity of the establishment is less than 10 customer seats for each terminal, excluding terminal seats (50 seats). *Petitioner is presenting thirty (30) seats at 2 tables and 6 booths.*
- The source of proposed or actual revenue derived from the establishment generated by food and drink sales *Goodfella's Beef has been opened and owned by Mr. Skala in part or completely for 6+ years.*
- The number of employees at the establishment and their proposed function; *Currently has 7 employees.*
- Any other factors as determined relevant by the Village Board

The video gaming application is included on the Village Board agenda for review and consideration.

Financial Impact

The annual fee of \$1,500 for the liquor license has been received and deposited to the Liquor License revenue line item 100-00-00-4320.

Legal Analysis

Section 110 of the Village Code of Ordinances regulates liquor sales in the Village. The application has been reviewed and is in compliance with Section 110: Alcoholic Beverages requirements.

Chairman Sass asked if the Liquor Commission had any comments or questions; there were none.

A MOTION was made to approve and Ordinance Approving the Issuance of a Class “A” Liquor License to SMDMF LLC – Goodfella’s; 10980 Route 47 subject to the following conditions of approval:

- 1. Approval of an Ordinance amending the Village of Huntley Code of Ordinance adding one (1) Class “A” license.**
- 2. Petitioner must show proof of the State of Illinois Liquor Licenses before the Village of Huntley Class “A” Liquor License becomes effective.**
- 3. All applicable insurance documents must be submitted as required.**
- 4. No alcoholic beverages may be served prior to the completion of the remodel and certificate of occupancy for the adjacent unit.**
- 5. Completion of the remodeled adjacent unit and liquor sales established no later than 120 days or the Commission’s approval is null and void.**
- 6. Section 110.22 Restrictions of Licenses is amended to allow for a license to be issued to the applicant.**

MOTION: Commissioner Leopold
SECOND: Commissioner Goldman
AYES: Commissioners: Goldman, Hoeft, Leopold, Piwko, and Westberg
NAYES: None
ABSENT: Commissioner Kanakarlis
The motion carried: 5-0-1

EXECUTIVE SESSION: None

POSSIBLE ACTION ON ANY CLOSED SESSION ITEMS: None

OTHER BUSINESS: None

ADJOURNMENT:

There being no further business to discuss, a MOTION was made to adjourn the hearing at 7:34 p.m.

MOTION: Commissioner Piwko

SECOND: Commissioner Westberg

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary