

**VILLAGE OF HUNTLEY
VIRTUAL LIQUOR COMMISSION
May 28, 2020
MEETING MINUTES**

CALL TO ORDER:

A virtual meeting of the Huntley Liquor Commission was called to order on Thursday, May 28, 2020 at 7:00 p.m. Call in number 847-748-0565, PIN 04353.

ATTENDANCE:

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

ABSENT: None

IN ATTENDANCE: Interim Village Manager Lisa Armour, Management Assistant Barbara Read, Chief Robert Porter, Director of Development Services Charles Nordman, Director of Public Works and Engineering Timothy Farrell, Director of Finance Cathy Haley, and Village Attorney John Cowlin.

PUBLIC COMMENTS: None

ITEMS FOR CONSIDERATION:

- A. Consideration – Accepting the surrender of a Class “A” Liquor License – Tee 2 Green; 11173 Dundee Road

Consideration – An Ordinance Amending the Huntley Code of Ordinances – Business Regulations, Alcoholic Beverages Chapter 110 Section 110.24 – Limitation on Licenses, repealing one Class “A” liquor license

Chairman Sass reported that the Village received notification that Tee 2 Green Indoor Golf did not renew their lease at 11173 Dundee Road and have closed their business. Tee 2 Green was approved for a Class “A” liquor license and video gaming.

Staff Analysis

The code amendment is being requested to reduce the number of Class “A” licenses from 18 to 17. The Village should not have any vacant liquor licenses available. As qualified applicants request a liquor license, licenses then can be added as needed. Currently there are 18 Class “A” liquor license holders:

1. BBQ King Smokehouse
2. Bowl-Hi Lanes
3. Bricks & Ivy LLC d/b/a Parkside Pub
4. Brunch Café
5. Casa Rubio’s
6. Jameson’s Huntley (Del Webb Restaurant)
7. Lucky Bernie’s
8. Millie’s LLC
9. Offie’s Tap
10. Pub 47
11. Sal’s Pizzeria
12. Sammy’s Restaurant
13. SMDMF LLC/Goodfella’s
14. Soula’s Village Inn
15. Tacos Locos
16. Tee 2 Green Indoor Golf LLC
17. Triple K & B; d/b/a Rookies 3
18. Tufano’s Pizzeria

The surrender of the Class “A” liquor license automatically negates Tee 2 Green’s video gaming approval. The State Gaming Board has been notified and the machines have been removed. No action is necessary by the Village Board for the video gaming.

The property is zoned “M” and the annexation agreement provision that had allowed for Tee 2 Green to operate as a restaurant with a liquor license has expired.

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

A MOTION was made to accept the surrender of a Class “A” liquor license from Tee 2 Green; 11173 Dundee Road and approve an ordinance amending the Village of Huntley Liquor Control Ordinance Section 110.24 repealing one Class “A” liquor license.

MOTION: Commissioner Leopold

SECOND: Commissioner Goldman

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

NAYS: None

ABSENT: None

The Motion Carried: 6-0-0

- B. Consideration - An Ordinance Approving the Issuance of a Class “A” Liquor License to Topsy’s Bar and Pizza LLC; 10753 Dundee Road

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. Taras Lun and Mr. Gino DeFrancisco, owners of Topsy’s Bar and Pizza LLC (Topsy’s). Topsy’s has signed a Proposal to Lease pending approval for 10753 Dundee Road (Unit A) in the Wing Pointe retail center. The size of the unit is approximately 1,451 square feet. Topsy’s is proposing to serve food made onsite, construct a bar and also have seating at tables for patrons. A Class “A” license is being requested as well as video gaming.

A site plan is included; however, professional plans will need to be submitted to the Development Services Department Staff to 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*)
- Huntley Economic Development Disclosure Form (*Submitted*)
- Current Lease / Deed (*Proposal of Lease 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 opening*)

All required documents have not yet been submitted which is not uncommon for a unit under construction. 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.

Video Gaming

A video gaming application has also been submitted to be reviewed and considered by the Village Board. Topsy’s have informed staff that if the video gaming license is not approved, they 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 Topsy’s.

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 DRAFT menu. They are working with a graphic design artist to create a final menu.*
- The creation and operation of a commercial kitchen on the premises-*Existing kitchen is a limited 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 would be required by code for 5 terminals. Petitioner is presenting for 4 terminals with 40 seats at 24 tables and 16 bar stools.*
- The source of proposed or actual revenue derived from the establishment generated by food and drink sales-*The intent is to be a full service bar serving food with gaming available.*
- The number of employees at the establishment and their proposed function; *9 and 2 drivers*
- 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 substantial compliance with Section 110: Alcoholic Beverages requirements.

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

Commissioner Leopold stated that this was a poorly disguised gaming parlor and not a restaurant and bar.

There were no other comments or questions.

A MOTION was made to approve an Ordinance Approving the Issuance of a Class “A” Liquor License to Topsy’s Bar and Pizza LLC; 10753 Dundee Road 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 License before the Village of Huntley Class “A” Liquor License becomes effective.**
- 3. All applicable insurance documents must be submitted as required.**
- 4. Fully executed lease must be submitted as required.**
- 5. No alcoholic beverages may be served prior to the completion of the remodel and issuance of the certificate of occupancy.**
- 6. Completion of the remodel and liquor sales established no later than 120 days of this approval or the Commission’s approval is null and void.**

MOTION: Commissioner Kanakaris

SECOND: Commissioner Westberg

AYES: Commissioners: Hoeft, Kanakaris and Westberg and Chairman Sass

NAYS: Commissioners: Goldman, Leopold and Piwko

ABSENT: None

The Motion Carried: 4-3-0

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 18 Class “A” licenses instead of 17 in order to provide for the application from Topsy’s Bar and Pizza; 10753 Dundee Road. The application has been reviewed by Staff and all 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
2. Bowl Hi Lanes
3. Bricks & Ivy LLC d/b/a Parkside Pub
4. Brunch Café
5. Casa Rubi-os
6. Jameson’s Huntley (Del Webb Restaurant)

7. Lucky Bernie's
8. Millie's LLC
9. Offie's Tap
10. Pub 47
11. Sal's Pizzeria
12. Sammy's Restaurant

13. SMDMF LLC/Goodfella's
14. Soula's Village Inn
15. Tacos Locos
16. Triple K & B; d/b/a Rookies 3
17. Tufano's Pizzeria

Financial Impact

The fee for a yearly 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 Topsy's Bar & Pizza 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 Kanakaris

SECOND: Commissioner Goldman

AYES: Commissioners: Hoeft, Kanakaris and Westberg and Chairman Sass

NAYS: Commissioners: Goldman, Leopold and Piwko

ABSENT: None

The Motion Carried: 4-3-0

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 7:04 p.m.

MOTION: Commissioner Piwko

SECOND: Commissioner Westberg

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary