

**FREEPORT LIQUOR COMMISSION  
REGULAR RESCHEDULED MEETING  
JANUARY 25, 2018 – 4:30 P.M.**

With a quorum being present, the regular rescheduled meeting of the Freeport Liquor Commission was called to order by Mayor Miller at 4:30 p.m. on January 25, 2018, in Conference Room 1-B at City Hall, 314 West Stephenson Street, Freeport, Illinois.

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

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

Others in attendance: Jennifer Cline, General Manager, and Marie Jane Martinez, Resident Manager, from Casey's General Store #3652, John Hill from Royco, and Denise Wierzycki with Cub Foods.

**Public Comments**

No Comments

At 4:35 p.m., Alderperson Tom Klemm entered the meeting.

**Item 4.B – Consideration of Suspension of License for Benchwarmer's Sorts Bar & Grill for non-payment of Food and Beverage Taxes**

Mayor Miller stated that Item 4.B was moved forward on the agenda so Director Bukas could address this issue and get to another meeting. She also stated that a certified check in the amount of \$702.00 was received from Benchwarmer's in payment of the second installment of liquor licenses fees due of \$572.00. They have also submitted a business check for payment of food and beverage tax. Director Bukas stated that since the original submission of the liquor license installment from Benchwarmer's was returned for insufficient funds, he would like to hold the balance of \$130.00 until the business checks for food and beverage tax clear. There was consensus that we would do this and lay the matter over for review at the next Liquor Commission meeting on February 8, 2018.

**Item 3.A – Status Update – "A" Liquor License for Signature Lounge LLC, 225 W. Main Street**

Clerk Anderson stated that the owner reports that progress has slowed to a near standstill.

**Item 3.B – Status Update – "A-R" Liquor License for Grand River Hall LLC, 101 S. Liberty Avenue**

Clerk Anderson stated that the Temporary Certificate of Occupancy has been extended. The owners are working with Community Development on items that need to be completed.

**Item 3.C. – "B-1" Casey's Retail Co. d/b/a Casey's General Store #3652, 1775 S. West Avenue**

Clerk Anderson stated that a Special Use Permit has been approved by the Planning Commission and City Council. Jennifer Cline stated that a health inspection will be completed pending issuance of a Certificate of Occupancy. They hope to open February 2, 2018.

**New Business**

**Item 4.A – Consideration of unpaid second installment of annual Liquor License Renewal Fee: AB Oil, Inc.; Runte Sunshine Liquor, Inc.; and Fieldstone's**

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Mayor Miller stated that Runte Sunshine Liquor had paid their second installment of Liquor License Renewal Fee on time; however, the payment had been inadvertently credited to their Water & Sewer account. The matter is being resolved by the Finance Department.

AB Oil and Fieldstone's second installment of Liquor License Renewal Fee remains unpaid. Upon a recommendation by Attorney Cox, Commissioner Mahoney made a motion to send notice to both AB Oil and Fieldstone's that if payment is not made by the next Liquor Commission meeting on February 8, 2018, the process will begin for suspension of license. Commissioner Davis seconded and the motion carried unanimously.

**Item 4.B – Consideration of Suspension of License for Benchwarmer's Sports Bar & Grill for non-payment of Food and Beverage Taxes**

*[Clerk's Note: This matter was addressed earlier in the agenda. Please see above.]*

**Item 4.C – Consideration of Request for Resident Manager at GPM Midwest, LLC d/b/a FasMart #5223, 865 West Galena Avenue**

Commissioner Parker moved to approve Carol Pool as the Resident Manager at FasMart #5223, Commissioner Mahoney seconded, and the motion carried by unanimous vote.

**Item 4.D – Consideration of Request for Resident Manager at Casey's Retail Co. d/b/a Casey's General Store #3652, 1775 S. West Avenue**

Commissioner Parker moved to approve Marie Jane Martinez as Resident Manager at Casey's General Store #3652 contingent upon approval of a background check. Commissioner Davis seconded and the motion carried unanimously.

**OTHER BUSINESS**

**Item 5.A – Notice of change of corporate name from Wal-Mart Stores, Inc. to Walmart Inc. and request for reissuance of license for Walmart Store #1740**

Attorney Cox stated that this item is strictly informational. There was no ownership change and the license was reissued showing the new name.

**Item 5.B – Review of Liquor and Gaming Code Re-Write**

Attorney Cox distributed copies of the latest version of the Liquor and Gaming Code Re-write. He stated that since the Liquor Commission last had discussions, there were changes. Substantively, when 18-year-olds enter premises with parents such as in the case of wedding receptions. Originally, the wording reflected that they were always required to be with parents. The Liquor Commission directed the wording to reflect mixed use premises in Chapter 608.08.

Attorney Cox stated that in Chapter 806.04, it is proposed to allow the sale of spirits at fueling stations (in addition to beer and wine which is currently allowed). At the suggestion of Police Chief Barkalow, the display of spirits must be behind the counter or in a cabinet only available to employees to minimize retail theft.

Attorney Cox stated that the proposed Ordinance raises the cap to 30 on Mechanical Gaming licenses (V Licenses). In order to address gaming parlors, it is also required that V Licenses are ancillary to another

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business that generates a majority of the revenue. The last couple paragraphs of Section 806.04(d)(2) regarding the supplemental video gaming license could be removed, thus eliminating the cap. Mayor Miller asked and Attorney Cox answered that a cap is not required by State law. He added that it would be better practice to craft the Ordinance to define what type of businesses are allowed. John Hill asked how the 51% of sales would be verified. Attorney Cox stated that, as proposed, an accountant would need to sign off on the percentage of sales of the ancillary business with revenue of 51% or more. Mayor Miller stated that this provision makes it enforceable and provides grounds for disqualification instead of relying on a cap. Attorney Cox added that further requirements include a Category I or II health department permit, square footage requirement, and seating minimum of 20 in addition to the requirement of ancillary sales of 51% or more. The parameters of these requirements will exclude gaming parlors.

Mayor Miller asked and Attorney Cox stated that the issue of drive-up windows will be deferred to the Liquor Control Act. Delivery of liquor also defaults to the Liquor Control Act. Attorney Cox stated that the Point of Sale is the key factor because the sale is made at the restaurant.

Attorney Cox stated that he also made revisions to the Tobacco Ordinances regarding surveillance cameras to align with the new Liquor Codes.

Attorney Cox stated that he has moved Video Gaming Licenses from the old Mechanical Gaming Licenses Ordinance to a supplemental designation in the Liquor Codes. Mechanical Gaming Licenses renew on March 1. He added that Manager Crow and Mayor Miller are in agreement to move back this renewal date to July 1 to align with the Liquor License renewal period. Mechanical Gaming Licensees will be sent a letter to this effect.

Attorney Cox pointed out that he had added a provision to 806.03(A)(a)(4) for Temporary Liquor Licenses to be issued in increments of 5 days in addition to the 1- and 3-days already listed. It will still draw from a pool of 15 days per year. Temporary Licenses will also be charged per event rather than per day.

Commissioner Mahoney made a motion to approve the re-written Codes as presented with the elimination of the cap in Section 806.04(d)(2). Commissioner Parker seconded and the motion carried by unanimous vote.

Denise Wierzycki asked about the 5-day notification requirement for tastings. Attorney Cox stated that an establishment with a license to pour can hold a tasting without the need for notification to the City. A wholesaler can have a sampling under the Liquor Control Act without the need for notification to the City. Attorney Cox stated that he would check if Cub Foods could discontinue reporting tastings immediately or if they would need to wait until after the new Liquor Ordinances pass and let her know.

**Public Comments**

No Comments

Upon a motion duly made and seconded, the meeting was adjourned at 5:29 p.m.

Respectfully submitted,  
Dovie L. Anderson  
City Clerk