

**FREEPORT LIQUOR COMMISSION
REGULAR RESCHEDULED MEETING
FEBRUARY 8, 2018 – 4:30 P.M.**

With a quorum being present, the regular meeting of the Freeport Liquor Commission was called to order by Mayor Miller at 4:30 p.m. on February 8, 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, Tim Mahoney and Don Parker. Commissioner Jeff Davis was absent.

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

Others in attendance: John Hill from Royco, Jeff Johnson from Four Seasons Bowling Alley, and Danielle Rogers with the Freeport Downtown Development Foundation (FDDF).

Minutes

Commissioner Fernstaedt moved and Commissioner Mahoney seconded to approve the minutes of the following meetings: Special meeting on January 19, 2018, and regular rescheduled meeting on January 25, 2017. Motion prevailed by a voice vote.

Public Comments

There were no public comments.

Unfinished Business

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

Clerk Anderson stated that there has been no change in status since last month.

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 through August 6, 2018, per Community & Economic Development Director Nancy McDonald.

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 Casey’s is open for business and all licenses have been issued.

Additional Status Updates

Wagner House, 1 E. Spring St. – “AR”

Director McDonald reported that a Temporary Certificate of Occupancy has been issued through August 6, 2018.

Benchwarmers, 2143 W. Galena Avenue – “AR-V”

The Finance Department reported that it had been 13 days since Benchwarmer’s Food & Beverage Tax payments were deposited on 1/26/18 and they have not been returned from the bank yet. We were waiting on the status of the Food & Beverage Tax payment clearing before returning the overpayment of the second installment of the annual Liquor License fee. The Commission agreed to consider the second installment of the annual liquor license fee paid in full.

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Item 3.D - Consideration of unpaid second installment of annual Liquor License Renewal Fee:

1. AB Oil, Inc.
2. Fieldstone

Attorney Cox stated that because the last meeting of the Liquor Commission was January 25, 2018, it did not give licensees much time to turnaround a payment by the February 8, 2018, Liquor Commission meeting. Therefore, he is recommending sending a letter to these two establishments and having the due date as of the next Liquor Commission meeting on March 8, 2018. If unpaid, the letter states that the City may begin the process of revoking or suspending their liquor licenses. There was general consensus among the Commissioners regarding the March 8 due date.

New Business

Item 4.A - T-1 Temporary Liquor License – Freeport Downtown Development Foundation Pub Crawl on Saturday, March 17, 2018, from 12:00 p.m. to 8:00 p.m.

Clerk Anderson stated that an application packet for this event had been sent to Commissioners with the agenda. Danielle Rogers stated that one change this year is that the shuttles will stay within the City limits of Freeport to promote business here. She added that she checked with the Police Department and there were no DUIs with last year's event. Commissioner Mahoney made a motion to approve the T-1 Temporary Liquor License, Commissioner Parker seconded, and the motion carried by voice vote. Mayor Miller asked Ms. Rogers for a list of stops.

OTHER BUSINESS

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

All of the Liquor Commissioners expressed their thanks and gave their compliments to Attorney Cox for the thorough and easy to understand language used in redrafting the Liquor Ordinances as well as the communications to the Commission and the City Council.

Jeff Johnson of Four Seasons had a question on Section 608.02(S), BASSET training. He stated that since the certificates of completion are already online, do they also need to be kept on file at the establishments. Attorney Cox stated that this is mostly an enforcement check. If the licensee is asked to produce BASSET certifications, it would be easier to provide a printed certificate than check online for each server. He added that a licensee would most likely be asked to produce BASSET certifications if there had been a complaint or an incident.

In Section 608.06(a), Mr. Johnson asked about the time that alcohol can begin to be served at 7:00 a.m. Attorney Cox stated that this is unchanged from current Code.

In Section 608.06(b)(1), Mr. Johnson also asked about the wording of the holiday hours that extend closing time until 2:00 a.m. Attorney Cox stated this section was unchanged from existing Code, but he will reword this section so that it is consistently reflects the “eve” of each holiday.

In Section 608.14, Mr. Johnson inquired about the \$120 per officer hour charge. Attorney Cox stated this is unchanged from the existing Code. If police are called to one location twice during a specified period of time, they may charge a fee. The first time there is no charge. If they need to report back, and if there is more than one officer, they will charge for the second officer.

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Mr. Johnson pointed out that the new Liquor Code calls for an “R” licensee (restaurant) to have a Category I Health Department Permit. He stated that all of his establishments have a Category II Permit. Attorney Cox stated that he will look into this matter and address as appropriate.

In Section 806.03A(a)(4), Mr. Johnson asked about the maximum 5-day provision for a Temporary Liquor License. With the limit raised to a 15-day pool, he could have three 5-day events or fifteen 1-day events allowing for more flexibility.

In Section 806.04(d)(2)(iii), Mr. Johnson asked about the requirement of 50% gross revenue from sources other than video gaming. Attorney Cox stated that this will be for new establishments and that the existing gaming parlors will be grandfathered in. Mr. Johnson then stated that the limit on the number of gaming licenses is being lifted. He asked if this could potentially add 20 establishments with gaming licenses. Mayor Miller responded that it could, but they would need to conform to the requirements. Mr. Johnson stated that previously there was no proof of percent of sales; just a blank on the liquor renewal application form. The licensee was on their honor to enter the amount. Attorney Cox stated that the new Codes require independent verification by an accountant. Discussion ensued questioning if this is enough proof. Attorney Cox proposed changing the language to state a CPA would be considered valid, but if not signed by a CPA, the City reserves the right for further review at licensee’s expense.

In Section 806.04(d)(3), Supplemental Outdoor Sales, Mr. Johnson asked about having fenced-in outdoor sand volleyball courts with alcohol sales. Attorney Cox stated that going forward, if all parties approve (Police Chief, Fire Chief and Liquor Commission), and all requirements are satisfied, that is acceptable. Mr. Johnson then asked about the ability to have patrons walk around with open liquor in the parking lot, for instance Joe’s Fest, if the lot is fenced in. Attorney Cox confirmed that will be acceptable.

Mr. Johnson asked for clarification in Section 844.02. Attorney Cox stated that 844.02 will continue to cover mechanical games such as cranes and the \$250 annual fee will still apply. However, video gaming machines will now be licensed under Liquor Codes. If the \$250 annual fee is paid for crane games, then the \$250 fee will be waived when the video gaming license is renewed. The per-machine rate for video games will increase to \$100. The renewal date for video gaming machines will be pushed back to July 1 to align with Liquor License renewal.

Mayor Miller stated that the re-write of the Liquor Codes will first go to the Committee of the Whole on Monday, February 12, 2018. It could then come back to the Liquor Commission. If Council approves the new Codes, they will move to First Reading on Tuesday, February 20, 2018. The earliest they will be approved is mid-March.

Attorney Cox suggested holding informational meetings to educate licensees. He also thanked the attendees for their input.

Item 5.B. – Discussion of City-Sponsored BASSET Training

Attorney Cox introduced the idea of hosting BASSET training either for free or at a nominal charge. The Police Department has staff that is certified to give the training. The Liquor Commissioners were in favor. Attorney Cox will talk to Chief Barkalow and get available dates for end of May or June.

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Public Comments

There were no public comments.

Upon a motion duly made and seconded, the meeting was adjourned at 5:27 p.m.

Respectfully submitted,

Dovie L. Anderson

City Clerk