

FREEPORT LIQUOR COMMISSION
REGULAR MEETING
AUGUST 9, 2018 – 4:30 P.M.

With a quorum being present, a regular meeting of the Freeport Liquor Commission was called to order by Mayor Miller at 4:31 p.m. on August 9, 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, Forrest Senn, and Jeff Davis. Commissioner Mahoney was absent.

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

Mayor Miller welcomed Forrest Senn as the newest member of the Liquor Commission.

Minutes

Commissioner Davis moved and Commissioner Fernstaedt seconded to approve the minutes from meetings on July 17 and July 20, 2018. Motion prevailed by a voice vote.

Public Comments

There were none.

Item #4 – Unfinished Business

Item #4.A – Status Update – Liquor License for Signature Lounge LLC, 225 W. Main Street – “A”

Clerk Anderson stated that there were no new developments and that the Certificate of Occupancy and State of Illinois Liquor License are still outstanding.

Item #4.B – Status Update – Wagner House, 1 E. Spring St. – “R”

Clerk Anderson reported that Wagner House has a Temporary Certificate of Occupancy through February 6, 2019, but they have told that is their last extension. The City is waiting for input from Wagner House on documentation for the Revolving Loan Fund for construction to bring their building into compliance. Outstanding documentation for the Liquor License includes a permanent Certificate of Occupancy and application for Supplemental Outdoor Sales (which has been paid for).

Item #4.C – Status Update – Pride of Freeport, 1220 W. Galena Ave. – “P”

The owner would like to apply for a Class “LR” Liquor License and eventually Supplemental Video Gaming License. They are working with the Health Department on getting their Category II food license.

Item #4.D – Expresslane , 1736 W. West Avenue – “LR”

Clerk Anderson reported that Attorney Cox has seen the State take up to 6 months to issue video gaming licenses. Expresslane is still waiting for theirs.

Item #4.E – Pretzel City Pub, Inc., 1350 W. Galena Ave. – “R-PVO”

Clerk Anderson stated that Chief Barkalow reported the camera on the drive-thru window passed inspection.

Item #4.F – Kelley Williamson Co., d/b/a Freeport Mobil, 1730 S. West Ave. – “P”

Clerk Anderson stated that Freeport Mobil submitted floor plans and asked for approval in preparation of adding video gaming. She suggested that they contact their attorney regarding compliance concerns. The

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floor plan was forwarded to Ben Fritz, Community & Economic Development, to see if they needed a building permit.

Commissioner Fernstaedt brought up the fact that they still need to meet the financial requirements of at least 50 percent food and beverage sales.

Item #4.G – Aldi, 726 W. South St. – “P”

The background check cleared for Resident Manager Shiela Cardoso.

Item #4.H – Moseley Loewe VFW Post #998, 1082 E. Shawnee – “R-V”

The Liquor Commission had previously approved the VFW’s Liquor License renewal contingent upon a background check that was newer than the one we had on file dated 2011. Clerk Anderson stated that Mayor Miller/Liquor Commissioner determined that it will not be necessary for Gene Carroll, Resident Manager, to have his background check redone until after VFW re-opens its restaurant.

Item #4.I – JM Hospitality d/b/a Bourbons on Main, 109 S. Galena Ave. – “R”

Background checks cleared on owners, Jawad Rawra and Malik Kheraj, and Resident Manager Ron Sigel and we have received the State of Illinois Liquor License.

Item #4 – ADDITIONAL:

Grand River Hall: A Temporary Certificate of Occupancy has been extended for another 6 months through February 6, 2019. Their entryway needs to be ADA compliant. Owner Holly Boeger reported that they are in the process of installing a lift. Mayor Miller reported that installation has been completed. They still need a permanent Certificate of Occupancy.

Cannova’s: Liquor Commission approved Cannova’s for Supplemental Outdoor Sales pending submittal of a drawing. They have been informed that they are ready to go by Clerk Anderson and City Manager Lowell Crow.

Wagner House: Bill Green told Mayor Miller and Clerk Anderson that he will submit the application for Supplemental Outdoor Sales.

Item #5 – New Business

Item #5.A – Consideration of a T-1 Temporary Liquor License for St. Mary’s Church, St. Mary Fest, 704 S. State Ave., on August 12, 2018

Liquor sales will be in a tent in a driveway and not on public property. The area will be fenced and wristbands will be issued. Commissioner Fernstaedt made a motion to approve, Commissioner Davis seconded, and the motion prevailed by voice vote.

Item #5.B – Consideration of a T-1 Temporary Liquor License for the Greater Freeport Partnership for Pretzel City Brewfest on September 22, 2018, Change in Resident Manager

Mayor Miller stated that this will change the Resident Manager to Rebecca Motley. Commissioner Davis made a motion to approve the change contingent upon approval of the background check from the Police Department; Commissioner Senn seconded; and the motion prevailed by voice vote.

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Attorney Cox stated that he has reviewed the requirements of other cities and counties regarding Resident Manager. He found many variations. He is proposing changing the requirements to state that Resident Managers must be a resident of the State of Illinois, regularly on site during business hours, readily available by phone, and able to be on site within 30 minutes. This avoids an out-of-state manager. The Liquor Commission maintains final approval to disallow applicants who are determined to live too far away to be adequately responsive. Discussion ensued regarding not limiting the time to arrive on site. Attorney Cox stated that next month he will submit a draft of a minor re-write of the Liquor Codes to correct minor issues that arose through this year's relicensing process as it was affected by the new Ordinances.

The topic of requiring background checks to be redone was discussed. Attorney Cox stated that he could not find any State requirements addressing this. Currently, we do not require any one to repeat a background check. He proposed requiring a new background check if a person is not actively and continuously involved in a position where a background check is not required. He felt the timeframe could be one, two, or even five years. Attorney Cox stated that licensees have an affirmative duty to report subsequent infractions. Whether a licensee actually reports a conviction or not is on the licensee; however, it does allow the City some protection. Clerk Anderson stated that the people most affected by this requirement would be the temporary liquor applicants who do not frequently apply. Commissioner Davis asked if we could address the issue on a case-by-case basis. Attorney Cox argued it would be better to have an enforceable policy and established rules, especially when considering tort immunity. Attorney Cox stated that this requirement could be procedural rather than a Codified Ordinance.

Public Comments

There were none.

Upon a motion duly made and seconded, the meeting was adjourned at 5:19 p.m.

Respectfully submitted,
Dovie L. Anderson
City Clerk