

**FREEPORT LIQUOR COMMISSION
REGULAR RESCHEDULED MEETING
APRIL 12, 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 April 12, 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 present: Alfredo Luna and Vicente Cazare from Las Palmas, Jennifer Cline from Casey's, Danielle Rogers from Convention and Visitor's Bureau/Freeport Downtown Development Foundation (FDDF), Katie Gentz from FDDF, Ramon Kaur from Pride of Freeport, Wilian Tavarez from Galena Supermarket & Restaurant and Carmen Oraco, interpreter, and Alderperson Tom Klemm.

Minutes

Commissioner Parker moved and Commissioner Mahoney seconded to approve the minutes from March 8, 2018. 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

On March 28, 2018, Attorney Jim DiVerde met with Clerk Anderson and stated that Danaro Thomas had contacted him to begin the process to get his State liquor license. Clerk Anderson relayed the current status of outstanding items to Mr. DiVerde: Mr. Thomas submitted one check for \$11,144.00 last year which we are holding in a safe. Its viable life has expired. We still have possession of the original Liquor License as no payment has been processed. A revised Certificate of Insurance needs to be issued. Mr. DiVerde will work with Mr. Thomas on the outstanding items.

Item 3.B – Wagner House, 1 E. Spring St. – “AR”

Clerk Anderson stated that the status was unchanged from last month. A Temporary Certificate of Occupancy has been issued through August 6, 2018, pending additional of a third point of egress which will most likely be an elevator.

New Business

Mayor Miller stated that Item 4.E and 4.F will be heard first due to time constraints of the applicants.

Item 4.E – T-1 Temporary Liquor License – Freeport Downtown Development Foundation for Pretzel City Winefest on Saturday, May 19, 2018, from 11:00 a.m. to 4:00 p.m.

Clerk Anderson explained that this format is basically the same as last year. City sidewalks will only be used for participants to walk between downtown businesses. Katie Gentz with FDDF explained that 24 downtown businesses will host this wine sampling event. All alcohol must be consumed before leaving each business so there will be no alcohol on the streets. Clerk Anderson added that there is no request for Police or Public Works services.

FREEPORT LIQUOR COMMISSION
REGULAR RESCHEDULED MEETING
APRIL 12, 2018 – 4:30 P.M.

Attorney Cox explained that a T-3 license would be available at the cost of \$250 for wine vendors to sell bottles of wine. Discussion ensued regarding the cost of a T-3 license. It was determined that the cost of the T-3 could be viewed as essentially an advertising cost to sell their product in Freeport. There was also mention that the cost of a T-3 license should be higher than T-1s and T-2s because these vendors are licensed outside of Freeport and have not paid the \$10,000 initial fee that Freeport's brick-and-mortar licensees have paid. Ms. Gentz stated that many of the vendors are self-distributed and this would give them an opportunity that they would not otherwise have to sell in Freeport.

Commissioner Parker made a motion to approve the T-1 Temporary Liquor License for FDDF for Winefest on May 19, 2018. Commissioner Mahoney seconded and the motion carried unanimously by voice vote.

Item 4.F – T-1 Temporary Liquor License – Freeport Downtown Development Foundation for Music on Chicago on the first Fridays of summer months: June 1, July 6, and August 3, 2018, from 5:00 p.m. to 11:59 p.m.

Ms. Gentz stated that the location will be the same as last year – on Chicago Avenue between Main Street and Stephenson Street. They have decided to not have a Farmer's Market this year but will consider one for next year. The opening act will be a local band.

Commissioner Mahoney made a motion to approve the T-1 Temporary Liquor License for FDDF for Music on Chicago on June 1, July 6, and August 3, 2018. Commissioner Parker seconded and the motion carried unanimously by voice vote.

Item 4.F – T-1 Temporary Liquor License – Freeport Downtown Development Foundation for Pretzel City Brewfest on Saturday, September 22, 2018, from 12:00 noon to 6:00 p.m.

Ms. Gentz stated that two years ago Brewfest was held on the Freeport Art Museum empty lot at the corner of Chicago and Douglas. Last year it was moved to Chicago Avenue between Spring and Jackson. Due to high attendance last year, it will be expanded this year into a "T" configuration to include the intersection of Jackson and Chicago as well as extending east and west from that intersection.

Commissioner Mahoney made a motion to approve the T-1 Temporary Liquor License for FDDF for Pretzel City Brewfest on September 22, 2018. Commissioner Fernstaedt seconded and the motion carried unanimously by voice vote.

Mayor Miller stated that the order of business returned to Item 4.A.

Item 4.A – Consideration of a Class P Liquor License for Pride of Freeport, Inc. at 1220 W. Galena Ave., Freeport, Illinois

Clerk Anderson stated that the application was for a Class P Liquor License which adds the sale of hard liquor which had previously not been allowed at gas stations. They eventually would like to add a kitchen and restaurant and then apply for supplemental video gaming. A drawing has been submitted showing the liquor stored behind the counter.

Attorney Cox stated that this establishment is currently owned by AB Oil, Inc. and the surveillance camera is not operational, which is a requirement of having a Tobacco License. Ms. Kaur stated that they will bring the camera into compliance once she is the owner.

FREEPORT LIQUOR COMMISSION
REGULAR RESCHEDULED MEETING
APRIL 12, 2018 – 4:30 P.M.

Commissioner Mahoney made a motion to approve a Class P Liquor License to Pride of Freeport subject to the condition of installation of an operational surveillance camera and receipt of a Certificate of Insurance, Commissioner Fernstaedt seconded, and the motion carried by voice vote without dissent.

Item 4.B – Consideration of a Class R Liquor License with Supplemental Outdoor Service for Las Palmas Authentic Mexican Restaurant, Inc. d/b/a Las Palmas Mexican Restaurant at 2022 W. Galena Ave., Freeport, Illinois

Clerk Anderson stated that the background check on one of the owner's discovered a misdemeanor that had not been disclosed on the background check application form. Chief Barkalow did not sign off giving his approval of the background check. Attorney Cox advised that the determination needs to be made by the Liquor Commission for approval of a Liquor License. A felony charge would disqualify a business owner from obtaining a Liquor Licenses. This was a misdemeanor charge. Commissioner Mahoney asked the applicant if he had filled out the application himself or if he had assistance. Commissioner Mahoney stated that he felt it was appropriate that Chief Barkalow had not signed off on it given the failure to disclose. However, in his opinion, considering that there was a potential language barrier and the fact that it is a misdemeanor, he does not find this a reason to hinder this application.

Mayor Miller stated that the Resident Manager also needed to be discussed. Clerk Anderson explained that the Resident Manager given on the application is Juan Luna, brother to Alfredo, and the current Resident Manager at Fiesta en Cancun. Attorney Cox clarified that the Authorized Agent is the point of contact of the business and could feasibility be the Authorized Agent of several businesses. A Resident Manager needs to be a person who is a full-time employee of the business, a U.S. citizen, and a resident of Freeport. Attorney Cox explained that there is a difference between being a legal resident and a citizen under the Liquor Control Act. To be a licensee, a person cannot be: not a citizen or not a resident of the licensing jurisdiction. There is an exemption that says you do not have to be a citizen to own an interest in a corporation. The only person who has to be a citizen and live within the city limits is the Resident Manager. The Commissioners agreed that one person can not be a Resident Manager at two different locations.

Mayor Miller asked about the application for supplemental outdoor sales. Mr. Luna stated that they were not ready at this time but would like outdoor seating considered at a later date.

Attorney Cox stated that the application will not be disqualified because of the findings of the background check. He stated that they need to find a valid Resident Manager.

Commissioner Mahoney made a motion to table this application until the next Liquor Commission meeting, Commissioner Fernstaedt seconded, and the motion carried by voice vote.

Item 4.C – Consideration of a Class R Liquor License with Supplemental Packaged Goods for Gomez Reyes Group Inc. d/b/a Galena Supermarket and Restaurant at 207 S. Galena Avenue, Freeport, Illinois

Clerk Anderson stated that Wilian Treveras, owner, and Carmen Oraco, interpreter, were present at the meeting. He is requesting on-premises liquor sales with Supplemental Packaged Goods. Outstanding items included a mortgage (which Ms. Oraco said they had with them), Certificate of Insurance showing liquor liability and the City of Freeport as additional insured, resolution of a question regarding ownership, and the issuance fee in the amount of \$10,000. Attorney Cox stated that citizenship applies to the Resident Manager, but not the owner. Mr. Treveras stated that his mother is a naturalized citizen, works at the

FREEPORT LIQUOR COMMISSION
REGULAR RESCHEDULED MEETING
APRIL 12, 2018 – 4:30 P.M.

store, and lives in Freeport. Ms. Oraco provided Attorney Cox with documentation, which he reviewed while the meeting continued onto the next agenda item.

Item 4.D – Consideration of Conversion of Liquor License from Class B-1 to Class P – Casey’s Retail Company d/b/a Casey’s General Store #3652, at 1775 S. West Avenue, Freeport, Illinois

Clerk Anderson stated that Casey’s had submitted a drawing indicating where a locked liquor cabinet will be located in the store.

Commissioner Parker moved to approve a Class P liquor license for Casey’s General Store #3652, Commissioner Mahoney seconded, and the motion carried by voice vote.

Item 4.C – Consideration of a Class R Liquor License with Supplemental Packaged Goods for Gomez Reyes Group Inc. d/b/a Galena Supermarket and Restaurant at 207 S. Galena Avenue, Freeport, Illinois

Discussion returned to Item 4.C.

Attorney Cox stated that the combined limit for liquor insurance needed to be \$2 million. He did not see a mortgage or other proof of ownership of premises. Ownership of Gomez Reyes was established at 100% by Wilian Treveras through the Articles of Incorporation and on the liquor license application.

Commissioner Mahoney made a motion and Commissioner Fernstaedt seconded to approve a Class R Liquor License with Supplemental Packaged Goods for Gomez Reyes Group Inc. d/b/a Galena Supermarket and Restaurant at 207 South Galena Avenue contingent upon receipt of a valid Resident Manager, liquor liability insurance at a combined level of \$2 million, and a mortgage. Motion carried unanimously by voice vote.

[Clerk’s Note: Items 4.E, 4.F, 4.G were addressed earlier in the meeting. See above.]

OTHER BUSINESS

Item 5 – Discussion of letter sent to licensees regarding workshops and BASSET training

Mayor Miller stated the letter informing Licensees of two workshops that the City will hold to assist with filling out the new liquor application forms for the next licensing period and BASSET training were mailed. Clerk Anderson stated that a few people had expressed interest in attending: Officers of the Moose, John Hill and several employees, Mayor Miller, Deputy Clerk Dawn Pontius, Attorney Cox, and herself. The two workshops will be held on April 23, 2018, at 3:00 p.m. and May 8, 2018 at 9:00 a.m. BASSET training will be May 17, 2018, at 8:00 a.m.

Jennifer Cline with Casey’s stated that she will be submitting documentation for a new Resident Manager.

Public Comments

There were no public comments.

Upon a motion duly made and seconded, the meeting was adjourned at 5:25 p.m.

Respectfully submitted,
Dovie L. Anderson, City Clerk