

**VILLAGE OF WINNEBAGO LIQUOR COMMISSION**  
**MARCH 21, 2018, MEETING MINUTES**

The Village of Winnebago Liquor Commission met on March 21, 2018, at 6:00 p.m. at the Village of Winnebago Office. Present were the following: Village Liquor Commission Members Stan Maligranda, Jim O'Rourke, and Kelli Jeffers. Guests present were Village Liquor Commissioner Franklin J. Eubank, Jr., Village Attorney Mary J. Gaziano, Mike Weerda, Tom McDonald, and Randy Smith.

The meeting was called to order at 6:02 p.m. by Chairman Stan Maligranda.

CONFLICT OF INTEREST STATEMENT. Inquiry was made if anyone on the Commission had any conflict of interest in reference to being an owner of a liquor establishment, or any other interest in a liquor establishment. All replied in the negative.

APPROVAL OF AGENDA. No changes to the Agenda were requested so a motion was made by Kelli Jeffers to approve the Agenda, Jim O'Rourke seconded the motion, the motion carried, and the Agenda was approved.

APPROVAL OF MINUTES. Kelli Jeffers made a motion to approve the Minutes from the February 22, 2018 Liquor Commission Meeting, Jim O'Rourke seconded the same and the motion carried. The Minutes from the January 25, 2018 meeting have been received by the Liquor Commission Members, but will not be approved until the next meeting as they were not on the Agenda for tonight's meeting.

PUBLIC COMMENT. None

**DRY AREA OF VILLAGE/LOCAL REFERENDUM PROCEDURE.**

Extensive discussion was had about the need for any liquor referendum committee formed by citizens to do its own investigation into the requirements for filing for a referendum question to be put on the ballot, and perhaps to find and obtain committee involved attorney input so that all rules and regulations are followed, as the Village Board is restricted by law in its involvement in any referendum. Attorney Gaziano reaffirmed that a liquor referendum must be citizen initiated not Board initiated, and also discussed the effect of expired 20 year annexation agreements with disconnect clauses. Attorney Gaziano also indicated she could provide Mike Weerda with a factual information sheet she had previously prepared for the Liquor Commission on liquor referendums, with the understanding the same could be used as a beginning point for discussion of any referendum committee with its own attorney, and not to be construed or relied upon as legal advice from the Village as any procedure to follow. In essence, any liquor referendum committee would have to obtain independent verification of the requirements.

Mike Weerda inquired about others in favor of having a liquor referendum and possibly having changes to Liquor Ordinance requirements speaking at the April 9, 2018 General Board Meeting, and he was told those persons would need to sign up for public comment before 4:00 p.m. on Thursday, April 5, 2018.

#### ALCOHOL TO LIQUOR 70/30 REQUIREMENT.

Since the Commission voted at its February 22, 2018, meeting to recommend to the Village Board to amend the Village's Liquor Ordinance so that any food to liquor percentage requirement be eliminated, the matter will be placed on the Agenda for the April 9, 2018 General Board Meeting

#### SCHOOL DEFINITION.

Attorney Gaziano indicated there is no definition of a "school" in the Illinois Liquor Control Act. She further indicated that there was a 2010 case, Bailey v. Illinois Liquor Control Commission, addressing the issue and the decision came down to characteristics of the establishment in determining whether it is a school or a daycare even if educational activities transpire therein.

There was also discussion about the merits of lessening the current 200 feet from a church, school, hospital, etc. requirement for an establishment that sells liquor to the lesser statutory 100 feet. A motion was made by Jim O'Rourke, seconded by Kelli Jeffers, to recommend to the Village Board to amend the Liquor Ordinance to lessen the requirement to 100 feet, and the motion carried.

#### VIDEO GAMING

There was unanimous consensus of the Commission to again bring video gaming before the General Board for discussion. Some factual information was presented by Tom McDonald who was present, and has an establishment in Byron with video gaming. He indicated that the following are the percentages for profit receipt from video gaming: machine owner—35%; business owner—35%, State—25%, and municipality—5%. It was also discussed that Sullivans, Road Ranger, and Mobil would need to apply for new liquor licenses if video gaming were allowed and they chose to have the same since, except for a truck stop, there must be serving of alcohol in order to qualify for a gaming license. It was also discussed there is a \$25.00 limit license fee per machine that can be charged by a non-home rule community. Frank Eubank indicated there is the potential for a little additional revenue by requiring an electrical permit for the hook up of the machine, but naturally that full amount would not go directly to the municipality.

#### OVERHAUL/UPDATING OF LIQUOR ORDINANCE

It was decided this matter will be kept as a general Agenda item for anticipated future revisions to be made beyond those discussed herein.

ALCOHOL AT BUSINESS EVENTS.

It was agreed this matter could now come off as a general Agenda item as there has been confirmation that service of alcohol at business events by a business that does not possess a liquor license is not legal.

NEW BUSINESS.

General Discussion was had about the need for the number of allowed liquor licenses to increase in the future beyond the current 7 if video gaming were allowed. Stan Maligranda opined he would like to see the number increased to 15 licenses, with the understanding there is still an approval process.

Next meeting of the Liquor Commission set for Wednesday, April 26, 2018, at 6:00 p.m.

There being no further new business or matters to discuss in Executive Session, Kelli Jeffers made a motion to adjourn, the same was seconded by Jim O'Rourke, and the meeting was adjourned at 7:17 p.m.

UNAPPROVED

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Mary J. Gaziano, Village Attorney

Minutes approved by Village Liquor Commission  
on \_\_\_\_\_.

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Liquor Commission Chairman