

VILLAGE OF WINNEBAGO LIQUOR COMMISSION
NOVEMBER 29, 2018, MEETING MINUTES

The Village of Winnebago Liquor Commission met on November 29, 2018, at 6:00 p.m. at the Village of Winnebago Office. Present were the following: Village Liquor Commission Members Stan Maligranda, and Jim O'Rourke. Liquor Commission Member Kelli Jeffers was absent. Guests present were Village Liquor Commissioner Franklin J. Eubank, Jr., Village Attorney Mary J. Gaziano, Bill Hoffman, Dan Kennedy, Kim Doyle, Anthony Shea, Robert Stambolic, Attorney Steve Brooks, Ethan Longanecker, Randy Smith, and Joy Parlapiano

The meeting was called to order 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 and carried for approval of the Agenda.

APPROVAL OF MINUTES. Jim O'Rourke made a motion to approve the Minutes from the January 25, 2018 and March 21, 2018 Liquor Commission Meetings, Stan Maligranda seconded the same and the motion carried.

PUBLIC COMMENT. Bill Hoffman, who does not live in the Village, but who lives near the Village and whose children attended Winnebago schools, spoke in favor of having a gaming parlor/café in the Village. Discussion was had about the current 70% food/30% alcohol requirement, in terms of how the same would affect the ability to have a video gaming parlor/café in the Village and Village Liquor Commissioner Frank Eubank had indicated the Board had previously voted in favor of eliminating the 70/30 requirement, but purposely waited to have an ordinance passed in regard to the same until the results of the liquor referendum were determined. Bill indicated he has no other such establishments and there would be no other investors. He also indicated that his space would meet the distance requirement from a school.

Robert Stambolic said he has the same type of interest as Bill Hoffman in having video gaming in the Village. He indicated he is in the retail business (gas station) in Rockford and closer to Schaumburg, IL. His core business is gasoline, but he would like to branch out to video gaming. His focus is on the Doyle property next door to the Village. He envisions 1 full-time employee with a space of 1,200-1,500 square feet, and he said he has some local people interested in working there. He wants the place to have an upscale atmosphere, and is currently having a gaming parlor built in Oakbrook Terrace, IL. Jim O'Rourke opined that it sounded like a nice concept.

REVIEW AND APPROVAL OF CHANGE OF OWNERSHIP OF ROAD RANGER.

Attorney Steve Brooks from Road Ranger was present, and indicated that with the previous owner, Dan Arnold, having passed away in November of 2015, Road Ranger has now been sold to Enex Investments US. Attorney Gaziano explained the main points of the application previously filed and provided to the Liquor Commission Members and Liquor Commissioner, and indicated the Village's liquor ordinance requires a new application to be submitted when there is a change in ownership, but no fee is required. Jim O'Rourke made a motion to recommend approval of the application to the Village Liquor Commissioner, the same was seconded by Stan Maligranda, and the motion was approved. Frank Eubank indicated Steve Brooks would be notified when the new liquor license would be ready and could be exchanged for the old one. Also, the check Steve Brooks paid with the application for the liquor license fee was returned to him because, as stated above, there is no additional fee in this situation.

RESULTS OF LIQUOR REFERENDUM.

With 87% of the voters voting "No" at the 11/6/18 general election (with the "No" vote meaning they did not want the Village to continue to prohibit the selling and consumption at retail of alcoholic liquor in the Village of Winnebago) the whole Village is now "wet", as opposed to just the area north of McNair whereby previously only property annexed in from the County maintained the "wet" status from the County until a Village-wide liquor referendum were to be held. Per statute, there is a 30 day waiting period after the referendum before liquor applications may be considered.

Frank Eubank announced that on 12/4/18 at 7:00 a.m., and on 12/13/18 at 5:30 p.m. the Winnebago Area Chamber of Commerce is hosting, respectively, a breakfast and dinner, at Kennedys on Benton wherein Frank Eubank will be the guest speaker to discuss how matters will now proceed in terms of liquor license applications based on the results of the liquor referendum.

DISTANCE OF LIQUOR ESTABLISHMENT FROM SCHOOL, HOSPITAL, ETC. REQUIREMENT.

Frank Eubank distributed an article he had received from the Illinois Liquor Control Commission indicating that based on legislation recently signed into law by Governor Rauner (SB 2436), a municipality may pass an ordinance to allow a liquor establishment to be located closer to a school, hospital, etc., than the 100 feet statutory requirement required by the State. Attorney Gaziano indicated the distance measurement is from the corner of the building, not from the property line. Frank Eubank indicated the matter was not being voted on tonight by the Liquor Commission as far as what recommendation on the same to make to the Village Board, since the input of Kelli Jeffers, who was absent, is desired. Any recommendation would then go to the full Village Board for approval, as any change in the distance requirement would require an amendment to the Village's liquor ordinance, and those amendments are made by the Village Board. Discussion was had amongst those present about thoughts on changing the distance

requirement. Frank Eubank indicated he might be inclined to recommend no distance requirement since the requirement may limit the opportunities for certain businesses in the downtown area, while Jim O'Rourke questioned whether there could be an option to limit the times a business within 100 feet of a school could sell alcohol.

Frank Eubank asked Dan Kennedy of Kennedys on Benton, who was present, if his business would be interested video gaming and he replied in the affirmative. His business is potentially within 100 feet of a "school". (Attorney Gaziano had mentioned at the 3/21/18 Liquor Commission Meeting that there is no definition of a "school" in the Illinois Liquor Control Act, but 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.) Frank Eubank encouraged those who are interested in video gaming to present information on how the same will help a given business and Village. Dan Kennedy indicated he would like matters to move along as quickly as possible in terms of how the 100 foot from school requirement will be handled, and any other changes required to allow video gaming.

NUMBER OF LIQUOR LICENSES

Frank Eubank indicated the Village's liquor ordinance currently allows for a maximum of 7 liquor licenses, 5 are issued, and currently 2 are available. Discussion was had about what revised number should be suggested to the Village Board for the maximum number of liquor licenses to be allowed in the Village. Stan Maligranda indicated he would like to see at least 15, while Jim O'Rourke questioned whether there was any need for a set number. No decision was made for a recommendation, as the input of Kelli Jeffers is desired.

REWRITE OF VILLAGE'S LIQUOR ORDINANCE.

The intent is to have the liquor ordinance rewritten to incorporate everything into one ordinance, since there currently are many amendments. Frank Eubank suggested that the Liquor Commission Members and anyone else interested read through the Village's liquor ordinance and amendments and communicate if there is something they would like changed.

NEW LIQUOR LICENSE CATEGORY FOR HOTEL OR SIMILAR ESTABLISHMENT.

It was discussed that if a motel, or similar type establishment, comes into the Village, there will need to be some provision in the liquor ordinance for a liquor license for such an establishment. Attorney Gaziano will also review the liquor ordinance to see if any changes are necessary to accommodate a liquor license for a lounge/bar type of establishment.

NEW BUSINESS.

Jim O'Rourke indicated he has seen lots of violations at Sullivans in terms of where liquor is displayed (e.g. 2 skids of wine back by the dairy department) so this matter will need to be addressed.

It was discussed that a tentative date for the next meeting of the Liquor Commission could be January 3, 2019, which would then allow for recommendations to be made by Liquor Commission, with such recommendations then presented to the full Board at the January 7, 2019 General Board Meeting.

There being no further new business or matters to discuss in Executive Session, Jim O'Rourke made a motion to adjourn, the same was seconded by Stan Maligranda, and the meeting was adjourned at 8:10 p.m.



Mary J. Gaziano, Village Attorney

Minutes approved by Village Liquor Commission
on 1-3-19.



Liquor Commission Chairman