

VILLAGE OF WINNEBAGO LIQUOR COMMISSION
JUNE 20, 2019 MEETING MINUTES

The Village of Winnebago Liquor Commission met on June 20, 2019, 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., Anthony Shea, Lori Forsythe, and Village Attorney Mary J. Gaziano.

The meeting was called to order by Chairman Stan Maligranda at 6:04 p.m.

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 for approval of the Agenda was made by Jim O'Rourke, seconded by Kelli Jeffers, and the motion carried unanimously.

APPROVAL OF MINUTES. Jim O'Rourke made a motion to approve the Minutes from the April 18, 2019 Liquor Commission Meeting, Kelli Jeffers seconded the same, and the motion carried unanimously.

PUBLIC COMMENT. None, as no one signed up for the same.

KELLYS CAFÉ2 LLC LIQUOR LICENSE APPLICATION.

Attorney Gaziano explained that all legal requirements for the application had been met. Upon inquiry by Jim O'Rourke, Anthony Shea indicated nothing had changed from the original plan shown previously, except for some lighting and fixtures. Jim O'Rourke made a motion to recommend to the Village Liquor Commissioner approval of the Kellys Cafe2 LLC liquor license application, Kelli Jeffers seconded the same, and the motion carried. Village Liquor Commissioner Frank Eubank is to issue a written decision, per ordinance, within 15 days with findings.

VIDEO GAMING ORDINANCE—Discussion was had about the new law going into effect that will increase the amount a non-home rule municipality is able to charge for the license for each machine, namely, \$250.00 vs. \$25.00 per machine, and increasing the number of machines at an establishment allowed from 5 to 6. Attorney Gaziano indicated she wanted to confirm the status of whether such legislation that passed both the Illinois House and Illinois Senate has yet been signed by the Governor. Presuming the same has been signed or will be signed by the Governor, the consensus of the Liquor Commission Members was to recommend to the Village Board that the Village's gaming ordinance be changed to reflect the license fee per machine be changed to the maximum amount allowed

by State law. That way, if there are future changes in the amount, the ordinance will not need to be amended again.

LIQUOR LICENSES—CLASSIFICATION CHANGES.

Attorney Gaziano orally discussed the nature of changes she was making based on comments of Liquor Commission Members at a prior meeting, and the same will be distributed in "redline" and "clean" form for further review. She also indicated that checking the ordinances of other municipalities higher license fees than previously proposed by the Village Liquor Commission were charged.

DISCUSSION REGARDING RECENT LIQUOR ORDINANCE COMPREHENSIVE DRAFT AND REVIEW FOR FURTHER CHANGES.

Attorney Gaziano reported she had not received any feedback from any Liquor Commission Members on the "clean" copy of the comprehensive draft previously distributed with any suggested changes to the Village's liquor ordinance, but that she is working on making changes to make the ordinance consistent with liquor licenses that would be issued associated with video gaming.

NEW BUSINESS

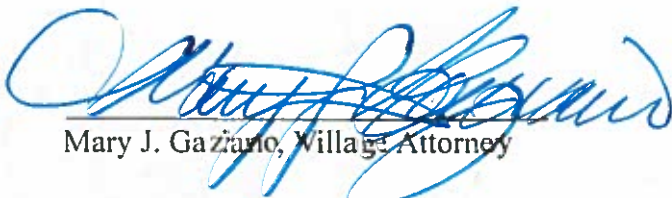
IMPROVEMENTS AT DOWNTOWN LIQUOR ESTABLISHMENTS

Stan Maligranda circulated a photograph of the fence posts at the back of The Post, indicative of a fence being put up, as well as an aerial view of the property. Frank Eubank also distributed an excerpt from Ordinance No. 97-11 dealing with the definition of "courtyard" and requirement of telephone on premises, public drinking, and carrying of alcoholic liquor with unsealed or opened container from premises. The fence proposed to be put up meets with the requirements for a courtyard provided there are no ingress or egress openings in the fence other than the access from the restaurant and the standard fence gate. Attorney Gaziano also pointed out there is further information in the definition of courtyard contained in the comprehensive liquor ordinance wherein all amendments are reflected.

There was also discussion that it is understood the Village Building Official, Dick Medearis, indicated to Police Chief Todd Stockburger that a building permit was not issued for the fence because he felt it would be put up properly. Attorney Gaziano indicated there is no provision in the fence ordinance for a waiver of a fence permit. Stan Maligranda also indicated that he understood the owner of The Post had a letter signed by the adjoining property owners so that his fence would be put on his property line. The rules for ingress and egress for a fenced area were reviewed, and Village Liquor Commissioner Frank Eubank will hold a meeting with the liquor license owners, particularly in the Downtown area, along with Liquor Commission Chairman Stan Maligranda, and Police Chief Stockburger before the Village's July 4th festivities to review the rules on primary ingress and egress, as well as the fact that no liquor is allowed on the public street so monitoring must be done by the liquor establishments to make sure patrons do not leave with open alcohol. Attorney Gaziano mentioned that as long as liquor issues were being discussed, the "line of sight" requirement under video gaming law might also be discussed.

The next meeting is scheduled for Thursday, July 18, 2019 at 6:00 p.m.

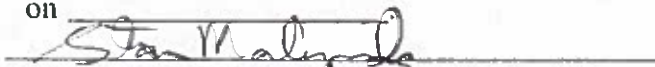
There being no further new business or matters to discuss in Executive Session, Jim O'Rourke made a motion to adjourn, the same was seconded by Kelli Jeffers, and the meeting was adjourned at 6:52 p.m.



Mary J. Gaziano, Village Attorney

Minutes approved by Village Liquor Commission

on



Liquor Commission Chairman

Approved on February 20, 2020