

**PUBLIC MEETING NOTICE AND AGENDA  
VILLAGE OF HUNTLEY  
LIQUOR COMMISSION HEARING**

**THURSDAY, FEBRUARY 9, 2017  
7:00 P.M.**



1. Call to Order
2. Public Comments
3. Items for Consideration
  - a) Approval of the January 12, 2017 Liquor Commission Hearing Minutes
  - b) Consideration of the acceptance of the surrender of a Class "A" Liquor License – Coffee House Holdings, Inc. d/b/a Starbucks; 12210 Princeton Drive

Consideration of an Ordinance Amending the Village of Huntley Liquor Control Ordinance Section 110.24 – Limitation on Licenses, repealing one Class "A" liquor license
4. Executive Session
5. Possible Action on Any Closed Session Item
6. Other Business
7. Adjournment

**MEETING LOCATION**  
10987 Main Street  
Huntley, IL 60142

The Village of Huntley is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, are requested to contact Mr. David Johnson, Village Manager at 847-515-5200. The Village Board Room is handicap accessible.

  
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David J. Johnson, Village Manager

**VILLAGE OF HUNTLEY  
LIQUOR COMMISSION HEARING  
January 12, 2017  
MINUTES**

**CALL TO ORDER:**

A meeting of the Huntley Liquor Commission was called to order on Thursday, January 12, 2017 at 7:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main Street, Huntley, Illinois 60142.

**ATTENDANCE:**

**PRESENT:** Chairman Charles H. Sass; Commissioners: Ronda Goldman, Timothy Hoeft, Niko Kanakaris, Harry Leopold, John Piwko and JR Westberg.

**ABSENT:** None

**IN ATTENDANCE:** Village Manager David Johnson, Assistant Village Manager Lisa Armour, Village Clerk Rita McMahon, Chief of Police Robert Porter, Detective Theo Kallantzes, Director of Development Services Charles Nordman, Director of Public Works and Engineering Tim Farrell and Village Attorney John Cowlin.

**PUBLIC COMMENTS:** None

**ITEMS FOR CONSIDERATION:**

- a) Approval of December 15, 2016 Liquor Commission Meeting Minutes

Chairman Sass noted Commissioner Goldman was absent at the December 15, 2016 meeting and then asked if the Liquor Commission had any comments or changes to the minutes. There were none.

**A MOTION was made to approve the December 15, 2016 Liquor Commission Meeting Minutes.**

**MOTION:** Commissioner Piwko

**SECOND:** Commissioner Kanakaris

**AYES:** Commissioners: Hoeft, Kanakaris, Leopold, Piwko and Westberg

**NAYS:** None

**ABSTAIN:** Commissioner Goldman

**ABSENT:** None

**The Motion Carried: 6-0-1-0**

- b) Complaint – Bowl-Hi Lanes / 10520 Route 47
- c) Complaint – American Drug Stores LLC d/b/a Osco Drug #3394 / 13200 Village Green
- d) Complaint – Walmart Supercenter / 12300 Route 47

Chairman Sass reported on December 19, 2016, the Police Department conducted an alcohol compliance check of all liquor license retailers within the Village of Huntley. Approximately thirty days prior to the compliance check, a letter was sent to all licensed liquor establishments informing them of the upcoming compliance check. A nineteen year old was used to conduct these checks, given instruction on the proper procedures and accompanied by a Police Detective.

### **Bowl-Hi Lanes**

On December 19, 2016, the nineteen year old entered Bowl-Hi Lanes, ordered and received a bottle of Miller Lite from the bartender. The Detective then approached the bartender and issued a violation for Section 110.12(A) Sales to a Minor.

### **American Drug Stores LLC / Osco Drug #3394 (Jewel)**

On December 19, 2016, the nineteen year old entered Jewel and purchased a 12 pack of Miller Lite from the sales clerk. The Detective then approached the sales clerk and issued a violation for Section 110.12(A) Sales to a Minor.

### **Walmart Supercenter (Walmart)**

On December 19, 2016, the nineteen year old entered Walmart, purchased a six pack of Miller Lite from the sales clerk. The Detective then approached the sales clerk and issued a violation for Section 110.12(A) Sales to a Minor.

*Section 110.12(a) It shall be unlawful for any person under the age of 21 years to purchase or obtain alcoholic liquor in any tavern or any place in the Village where alcoholic liquor is sold.*

### **Staff Analysis**

A Notice of Hearing has been delivered to Bowl Hi Lanes, Jewel, and Walmart to appear before the Huntley Liquor Commission. Pursuant to the Village of Huntley Liquor Control Ordinance the penalty provisions are as follows:

*Section 110.52 (c) The sale of alcoholic liquor to minors or to other persons to whom the sale is prohibited by this chapter shall be cause for suspension of any license hereunder for not less than five days or for revocation hereunder as may be determined by the President and Board of Trustees of the Village.*

### **Section 110.99 Penalty**

- (a) *Any person, firm or corporation violating the provisions of this chapter shall be fined not less than \$25 nor more than \$1,000 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.*
- (b) *In addition to the foregoing penalty any person, firm or corporation violating the provisions of this chapter may suffer the penalty of having his license revoked for any such violation. The revocation shall be signed by the Chairman of the Liquor Control Commission.*

A review of liquor files disclosed no previous violation for Bowl Hi or Walmart. Jewel had a previous violation in November 2007.

### **Legal Analysis**

The Village Attorney has reviewed the complaint documents and all is in order for consideration by the Liquor Commission.

Chairman Sass continued the hearing questioning each respondent.

Chairman Sass: Are the parties involved in this matter for Bowl Hi Lanes present? Please step up to the podium and state your name for the record. Respondent: Yes, Donald Zielinski

Chairman Sass: Does the respondent acknowledge receipt of a copy of the charges and notice of hearing?  
Respondent: Yes

Chairman Sass: Will the respondent waive reading of the charges? Respondent: Yes

Chairman Sass: What is the plea of Bowl Hi Lanes: Guilty or Not-Guilty? Respondent: Guilty

Chairman Sass: You understand that by pleading guilty you are waiving the right to a hearing and appeal?  
Respondent: Yes

Chairman Sass: Do you have anything you would like to offer to the Commission in mitigation that you wanted to explain? Respondent: Mr. Zielinski: I am very embarrassed. My business has been in town for many years without an altercation with the Liquor Commission. In addition to the fine I'll incur, I would like to offer a donation of \$500 to go towards additional BASSET training classes. I think the classes should be offered more than once a year by the Village. I would also like to request a higher fine instead of closing. I've noticed that Lake in the Hills allows for a larger fine with less days of suspension. Chairman Sass: Every community handles it differently. Mr. Zielinski: I have several leagues and fund raisers planned and would like to ask the suspension to be deferred until June. The loss of revenue from a suspension now will be detrimental to my business. Chairman Sass: What kind of fund raisers are planned? Mr. Zielinski: Pub 47 has their Christmas party planned for Monday, January 16<sup>th</sup> and I have leagues throughout the week. I can provide a schedule if you like. Chairman Sass: No thank you.

Thank you – you may be seated.

Chairman Sass: Are the parties involved in this matter for American Drug Store LLC d/b/a Osco Drug #3394 present? Please step up to the podium and state your name for the record. Respondent: Yes, Ms. Connie Zaio, License Coordinator; Jewel-Osco Itasca Store Support Center and Ms. Cary Saladino, Huntley Store Manager.

Chairman Sass: Does the respondent acknowledge receipt of a copy of the charges and notice of hearing?  
Respondent: Yes

Chairman Sass: Will the respondent waive reading of the charges? Respondent: Yes

Chairman Sass: What is the plea of American Drug Store LLC d/b/a Osco Drug #3394: Guilty or Not-Guilty? Respondent: Guilty

Chairman Sass: You understand that by pleading guilty you are waiving the right to a hearing and appeal?  
Respondent: Yes

Chairman Sass: Do you have anything you would like to offer to the Commission in mitigation that you wanted to explain? Respondent: Ms. Zaio: On behalf of Jewel Food Stores I would like to apologize for appearing before the Liquor Commission. We pride ourselves on being in business as long as we have not having to appear before you in a very long time. All of our employees are BASSET trained and we have an extensive training program in place. The employee came from another store but was trained. The cashier had difficulty with the system and eventually over-rode the system to finish the transaction. The clerk was suspended for three days without pay and liable for court fines and fees. I have a booklet that outlines our training procedures and would like to submit this to the commission for your review. Chairman Sass: Thank you. Ms. Zaio: Jewel respectfully requests to get the highest fine possible with the lowest suspension. Jewel would like to offer to donate for a community service or event in lieu of a suspension.

Chairman Sass: Thank you – you may be seated.

Chairman Sass: Are the parties involved in this matter for Walmart Superstore present? Please step up to the podium and state your name for the record. Respondent: Yes. Ms. Josh Cotton, District Manager for Walmart and Dominic Gallo, Huntley Store Manager.

Chairman Sass: Does the respondent acknowledge receipt of a copy of the charges and notice of hearing?  
Respondent: Yes

Chairman Sass: Will the respondent waive reading of the charges? Respondent: Yes

Chairman Sass: What is the plea of Walmart Supercenter: Guilty or Not-Guilty? Respondent: Guilty

Chairman Sass: You understand that by pleading guilty you are waiving the right to a hearing and appeal?  
Respondent: Yes

Chairman Sass: Do you have anything you would like to offer to the Commission in mitigation that you wanted to explain? Respondent: Mr. Gallo: I would like the Commission to know that Walmart has a zero tolerance policy on liquor violations and is taking this very seriously. The clerk has been terminated due to the zero tolerance policy and additional training and discussions have taken place throughout the last couple of weeks with existing clerks regarding the violation. I would like to submit to the Commission our Compliance Policy and action taken against the employee. Chairman Sass accepted the documents.

Chairman Sass asked if the Commission had any questions for the respondents or of counsel. Commissioner Leopold asked Mr. Gallo how long the clerk had been employed by Walmart. Mr. Gallo said six weeks.

Chairman Sass: Thank you – you may be seated.

Chairman Sass stated it was time to deliberate and requested a motion and second to enter into Executive Session.

#### **EXECUTIVE SESSION:**

**A MOTION was made at 7:12 p.m. to enter into Executive Session.**

**MOTION: Commissioner Westberg**

**SECOND: Commission Piwko**

**The Voice Vote noted all ayes and the motion carried.**

**A MOTION was made at 7:23 p.m. to exit Executive Session.**

**MOTION: Commissioner Leopold**

**SECOND: Commissioner Kanakaris**

#### **POSSIBLE ACTION ON ANY CLOSED SESSION ITEMS:**

Chairman Sass reported on the Commission discussions from Executive Session.

Chairman Sass reported that the Commission took into consideration for the Christmas party being held at Bowl Hi on Monday January 16<sup>th</sup> and for Bowl Hi the penalty will be:

1. A \$400 fine.
2. The fine is to be paid to the Village Clerk within seven (7) days from this evening's meeting.
3. The Liquor License will be suspended for five (5) consecutive days from Tuesday, January 17<sup>th</sup> through Saturday, January 21<sup>st</sup>. The establishment is allowed to begin selling liquor on January 22<sup>nd</sup>.

Chairman Sass reported that for Walmart the penalty will be:

1. A \$400 fine.
2. The fine is to be paid to the Village Clerk within seven (7) days from this evening's meeting.
3. The Liquor License will be suspended for five (5) consecutive days from Monday, January 16<sup>th</sup> through Friday, January 20<sup>th</sup>. The establishment is allowed to begin selling liquor on January 21<sup>st</sup>.

Chairman Sass reported that for Jewel, being a second offense, the penalty will be:

1. A \$800 fine
2. The fine is to be paid to the Village Clerk within seven (7) days from this evening's meeting.
3. The Liquor License will be suspended for ten (10) consecutive days from Monday, January 16<sup>th</sup> through Wednesday, January 25<sup>th</sup>. Jewel is allowed to begin selling liquor on January 26<sup>th</sup>.

Chairman Sass explained to all establishments they do not need to close and they will need to rope off, post or designate they are not allowed to sell alcohol. Chairman Sass continued and reminded each of the businesses that the Police Department will be attentive to the fact that they are not allowed to sell alcohol and if the Police stop in and check and find the sale of alcohol, the next penalty will not be as lenient.

Ms. Zielinski asked how this will affect his video gaming. Chairman Sass stated that without the liquor license the gaming will be shut down and thanked Mr. Zielinski for asking.

Chairman Sass asked if there was any other business. There was none.

**OTHER BUSINESS:** None.

**ADJOURNMENT:**

**There being no further business to discuss, a MOTION was made to adjourn the hearing at 7:29 p.m.**

**MOTION: Commissioner Hoeft**

**SECOND: Commissioner Piwko**

**The Voice Vote noted all ayes and the motion carried.**

Respectfully submitted,

Rita McMahon  
Village Clerk

Agenda Item:                    **Consideration of the acceptance of the surrender of a Class “A” Liquor License – Coffee House Holdings, Inc. d/b/a Starbucks; 12210 Princeton Drive**

**Consideration of an Ordinance Amending the Village of Huntley Liquor Control Ordinance Section 110.24 – Limitation on Licenses, repealing one Class “A” liquor license**

Department:                    **Village Manager’s Office**

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**Introduction**

Staff received notification that Coffee House Holdings, Inc d/b/a Starbucks (Starbucks); 12210 Princeton Drive will no longer be offering alcoholic beverages. Starbucks was approved for a Class “A” liquor license.

**Staff Analysis**

The Liquor Commission is requested to amend the Village of Huntley Liquor Code of Ordinances to reduce the number of available Class “A” liquor licenses appropriately. Currently there are fourteen (14) Class “A” liquor license holders:

- |  |                                   |
|--|-----------------------------------|
| 1. Bricks & Ivy LLC d/b/a Parkside Pub     | 8. Sal’s Pizzeria                 |
| 2. Brunch Cafe                             | 9. Sammy’s Restaurant             |
| 3. Jameson’s Huntley (Del Webb Restaurant) | 10. Soula’s Village Inn           |
| 4. Lucky Bernie’s                          | 11. Starbucks                     |
| 5. Millie’s LLC                            | 12. Tacos Locos                   |
| 6. Offie’s Tap                             | 13. Tee 2 Green Indoor Golf LLC   |
| 7. Pub 47                                  | 14. Triple K & B; d/b/a Rookies 3 |

The amendment is being requested to reduce the number of Class “A” licenses from fourteen (14) to thirteen (13). The Village should not have any vacant liquor licenses available. As qualified applicants request a liquor license, licenses then can be added as needed.

The Class “A” license allows for retail sale and consumption on the premise and retail sale and take-out of alcoholic liquor in the original package.

**Financial Impact**

None.

**Legal Analysis**

Not applicable.

**Action Requested**

A motion is requested of the Liquor Commission to accept the surrender of a Class “A” liquor license from Coffee House Holdings, Inc. d/b/a Starbucks; 12210 Princeton Drive and approve an ordinance amending the Village of Huntley Liquor Control Ordinance Section 110.24 repealing one Class “A” liquor license.

**AN AMENDMENT TO THE VILLAGE OF HUNTLEY LIQUOR  
CONTROL ORDINANCE SECTION 110.24 – LIMITATION ON LICENSES  
REPEALING ONE CLASS “A” LICENSE**

**Ordinance (O)2017-02.\*\***

WHEREAS, the Village of Huntley regulates the sale of alcoholic beverages in the Village through its Liquor Control Ordinance; and

WHEREAS, said Liquor Control Ordinance provides for the issuance of certain classes of liquor licenses and establishes the number of licenses available in each class; and

WHEREAS, Coffee House Holdings, Inc. d/b/a Starbucks; 12210 Princeton Drive will no longer be offering alcoholic beverages and has surrendered their Class “A” liquor license; and

WHEREAS, the available Class “A” liquor licenses will be reduced from fourteen (14) to thirteen (13).

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HUNTLEY as follows:

SECTION I: Section 110.24(A) of the Village of Huntley Liquor Control Ordinance is amended to reduce the number of Class “A” liquor licenses from fourteen (14) to ten (10).

SECTION II: All other provisions of the Village of Huntley Liquor Control Ordinance not otherwise in conflict herewith shall remain in full force and effect.

SECTION III: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

SECTION IV: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Commissioner Goldman	_____	_____	_____	_____
Commissioner Hoeft	_____	_____	_____	_____
Commissioner Kanakaris	_____	_____	_____	_____
Commissioner Leopold	_____	_____	_____	_____
Commissioner Piwko	_____	_____	_____	_____
Commissioner Westberg	_____	_____	_____	_____

PASSED and APPROVED this 9<sup>th</sup> day of February, 2017.

APPROVED:

ATTEST:

\_\_\_\_\_  
Village President

\_\_\_\_\_  
Village Clerk