

**VILLAGE OF HUNTLEY
LIQUOR COMMISSION HEARING
March 24, 2011
MINUTES**

CALL TO ORDER:

A meeting of the Huntley Liquor Commission was called to order on Thursday, March 24, 2011 at 7:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main St., Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Chairman Charles H. Sass; Commissioners: Pam Fender, Jay Kadakia, Niko Kanakaris, Harry Leopold, Paul Mercer and John Piwko.

ABSENT: None

IN ATTENDANCE: Village Manager David Johnson, Senior Assistant to the Village Manager Lisa Armour, Management Assistant Barbara Read and Village Attorney Mike Coppedge.

HEARING:

- A) Approval of Ordinance (O)2011-03.09 – An Ordinance Amendment to Huntley Liquor Control Ordinance Section 110/License Term Amendment

Liquor Commission Chairman Sass reported that the proposed amendment to the Liquor Control Ordinance would amend the liquor license term to be January 1st through December 31st.

Staff Analysis

The current liquor license term is from May 1st through April 30th. The amendment would change the license term to January 1st through December 31st. The amended license term would then run concurrent with the Village of Huntley Annual Budget and commercial Waste Hauler License renewals.

Code Excerpt

110.29 Duration and Transfer of License

(B) The one-year period shall be from the 1st day of January ~~May~~ of each year to the 31st of December ~~April~~ of each year unless sooner revoked or suspended as provided in this section. Licenses issued after the 1st day of January ~~May~~ of any year shall pay the full license fee as provided.

The payment schedule would be altered by one month. Currently full payment (\$950) is requested at time of renewal in April, however, it is acceptable for the applicant to pay half (\$475) at renewal and half at the six-month time period (November 1st). The payment schedule, if the amendment is approved, would allow for the full payment, or first half payment due at renewal in December and the second half of payment due by July 1st. The current liquor licenses approved in April 2010, which are due for renewal in April, will terminate on April 30,

2011. Applications will be distributed to current license holders in the upcoming week for renewal in April. The licenses approved in April will terminate on December 31, 2011. Renewal applications would again be distributed in late October or early November for the December renewal period. Annual renewals will then continue to take place in December of each year. Payment for the eight (8) month 2011 license would be \$633 which is a pro-rated eight month fee. ($\$950 \div 12 \times 8$).

Code Excerpt

110.23 Classification & Fees

(B) All persons making application for a license shall first deposit $\frac{1}{2}$ of the total license fee amount with the application. The balance of the license fee shall be due and payable on or before July ~~November~~ 1st of the year in which the license is issued. All persons desiring licenses shall be required to pay the full amount of the license fee whether the license is to be issued for a full year or a part of the year.

Financial Impact

The fees collected for the 2011 license renewal in April will be included in FY2011 revenue. The fees collected for the 2012 renewal will also be included in the FY2011 revenue because the payments will be received prior to December 31st.

Legal Analysis

The Village's Legal Counsel has reviewed the Ordinance and all is in order.

Chairman Sass asked if the Commissioners had any comments or questions; there were none.

A MOTION was made to approve Ordinance (O)2011-03.09 – An Ordinance Amendment to Huntley Liquor Control Ordinance Section 110/License Term Amendment.

MOTION: Commissioner Leopold
SECOND: Commissioner Piwko
AYES: Commissioners Fender, Kadakia, Leopold, Mercer and Piwko
NAYS: None
ABSENT: None
ABSTAIN: Commissioner Kanakaris
The motion carried: 5-0-0-1

B) Approval of Ordinance (O)2011-03.10 – Approval and Issuance of a Class “E” Liquor License; Huntley Park Foundation / 2011 Huntley Fall Fest

Liquor Commission Chairman Sass reported that the Village of Huntley regulates the sale of alcoholic beverages in the Village through its Liquor Control Ordinance; which provides for the issuance of certain classes of liquor licenses and establishes the number of licenses available in each class.

A Class “E” Liquor License is being requested at this time. A Class “E” Liquor License is a temporary license, not to exceed three days, issued to not-for-profit organizations with a license fee of \$75.00.

Staff Analysis

The Liquor Commission is being presented with the request from the Huntley Park Foundation (Foundation) for the issuance of a Class “E” Liquor License to sell beer, Mike’s Hard Lemonade flavored coolers and wine only. The request is for the 2011 Huntley Fall Fest taking place on Huntley Park District Property, 12015 Mill Street on September 23, 24 and 25, 2011.

The Foundation is requesting the license to operate a beer garden during the hours of 4:00 pm to 11:00 pm on Friday, September 23, 2011, 11:00 am to 11:00 pm on Saturday, September 24, 2011, and 11:00 am to 5:00 pm on Sunday, September 25, 2011. Alcohol serving will stop at 10:30 pm on Friday and Saturday night, and at 4:30 pm on Sunday, which is a half-hour before the event closes each day. The beer garden area will be fenced off and there will be no taking out of alcohol from this area to the festival area. The event will be monitored by the Jaycees’ own security with a wristband ID service. Mr. Thom Palmer, Executive Director of the Huntley Park District, has submitted a letter on behalf of the Park District authorizing the beer garden on their property.

An application has been placed on file and reviewed by the Village Clerk’s Office. All is in order for consideration at this time. The liquor license would be issued for September 23, 24 and 25, 2011 only. All of the required documentation has been submitted and meets code requirements.

Should the Liquor Commission approve the request, Staff recommends the following Conditions of Approval:

1. Petitioner must show proof of the State of Illinois Liquor License before the Village of Huntley Class “E” Liquor License becomes effective.
2. The beer, wine and coolers can only be sold and consumed in the designated beer garden area.

Financial Impact

The Foundation is requesting waiver of the payment of the \$75.00 fee. The Commission has waived the fee in the past.

Legal Analysis

Section 110 of the Village Code of Ordinances regulates liquor sale in the Village. The application has been reviewed and is in compliance with Section 110: Alcoholic Beverages requirements.

Chairman Sass asked if the Commission had any comments or questions; there were none.

A MOTION was made to approve Ordinance (O)2011-03.10 – Authorizing the issuance of a Class “E” Liquor License to the Huntley Park Foundation for the 2011 Huntley Fall Fest subject to the following conditions of approval:

1. **Petitioner must show proof of the State of Illinois Liquor License before the Village of Huntley Class “E” Liquor License becomes effective.**
2. **The beer, wine and coolers can only be sold and consumed in the designated beer garden area.**

MOTION: Commissioner Leopold
SECOND: Commissioner Kanakaris
AYES: Commissioners Fender, Kadakia, Kanakaris, Leopold, Mercer and Piwko
NAYS: None
ABSENT: None
The motion carried: 6-0-0

- C) Approval of Ordinance (O)2011-03.13 – Amendment to Huntley Code of Ordinances – Business Regulations 110.24 – Limitation on Licenses – Adding one Class “A” and one Class “B” License – Liquor Control Ordinance

Liquor Commission Chairman Sass reported that the Village of Huntley regulates the sale of alcoholic beverages in the Village through its Liquor Control Ordinance which provides for the issuance of certain classes of liquor licenses and establishes the number of licenses available in each class.

Staff Analysis

Action is being requested of the Liquor Commission to amend the Liquor Control Ordinance to make available eight (8) Class “A” licenses instead of seven (7) and one (1) Class “B” license instead of zero (0) in order to provide for the application from Jamesons Huntley Inc / dba Jamesons (Jamesons); 12860 Del Webb Boulevard. The application has been reviewed by Staff and all is in order for consideration.

The Class “A” license shall permit the retail, sale on the premises specified, of alcoholic liquor, for consumption on the premises, as well as other retail sale of alcoholic liquor in the original package. The Class “A” license would be for the restaurant (former Walleye Grill) located in Sun City Huntley. Listed below are the current licensed establishments with a Class “A” license:

1. Del Toro’s Mexican American Grill
2. Luigi’s Pizzeria
3. Niko’s Grill & Pub
4. Offie’s Tap
5. Bricks and Ivy LLC d/b/a Parkside Pub
6. Sammy’s Restaurant & Lounge
7. Soula’s Village Inn

The Class “B” license shall permit only the retail sale of alcoholic liquor in restaurants and banquet rooms, only at tables and booths in conjunction with meals, but prohibited at counters; provided however, that no sale of alcoholic liquor shall take place earlier than the hour of 11:00 a.m. and not later than the hour of midnight. The Class “B” license would be for the banquet facility (Drendel Hall) located in Sun City Huntley. There are currently no Class “B” license holders.

Financial Impact

The fee received for a one month Class “A” and “B” License is \$160.00 (\$80 x 2). Jamesons will submit the annual fee of \$1,266 (\$633 x 2) in April with the annual renewal of all liquor licenses.

Legal Analysis

Section 110.24 of the Village Code of Ordinances limits the number of available licenses in each class. There are no available Class “A” or Class “B” licenses; therefore, if the Liquor Commission elects to issue a license to Jamesons, the Commission must create an additional Class “A” and Class “B” license.

Chairman Sass asked if the Commission had any comments or questions; there were none.

A MOTION was made to approve Ordinance (O)2011-03.13 - Amendment To Huntley Code of Ordinances Business Regulations 110.24 – Limitation On Licenses – Adding One Class “A” and One Class “B” License – Liquor Control Ordinance.

MOTION: Commissioner Piwko
SECOND: Commissioner Fender
AYES: Commissioners Fender, Kadakia, Mercer and Piwko
NAYS: None
ABSENT: None
ABSTAIN: Commissioners Kanakarlis and Leopold
The motion carried: 4-0-0-2

D) Approval of Ordinance (O)2011-03.14 - Approval and Issuance of a Class “A” and Class “B” Liquor License – Jamesons Huntley; d/b/a Jamesons, located at 12860 Del Webb Boulevard

Liquor Commission Chairman Sass reported that the Village of Huntley regulates the sale of alcoholic beverages in the Village through its Liquor Control Ordinance, which provides for the issuance of certain classes of liquor licenses and establishes the number of licenses available in each class.

Staff Analysis

The Village is in receipt of an application for a Class “A” and Class “B” liquor license from Jamesons Huntley Inc; d/b/a Jamesons for the facilities at 12860 Del Webb Boulevard. The former license holder at this facility was Twelfth Knight Catering for the Walleye Grill and Drendel Hall. All documents required have been submitted with the exception of the State Liquor License. This is not uncommon to be waiting on the State’s approval while asking for approval from the local Liquor Commission. The Liquor Commission can approve the Class “A” and Class “B” liquor license with the condition of approval being that Jamesons must provide a certified copy (proof) that they obtained a State Liquor License for each class before the Village’s liquor license becomes effective.

Should the Liquor Commission approve the request, Staff recommends the following condition:

1. Petitioner must show proof of the State of Illinois Liquor Licenses before the Village of Huntley Class “A” and Class “B” Liquor Licenses becomes effective.

Financial Impact

The one month payment of \$160.00 (\$80 x 2) has been received and deposited to 01-00-1-4120 / Liquor License revenue line item. Jamesons will submit a payment of \$1,266 (\$633 x 2) with the annual liquor license renewals in April.

Legal Analysis

Section 110 of the Village Code of Ordinances regulates liquor sale in the Village. The application has been reviewed and is in compliance with Section 110: Alcoholic Beverages requirements.

Chairman Sass asked if the Commission had any comments or questions; there were none.

A MOTION was made to approve Ordinance (O)2011-03.14 - Approval and Issuance of a Class “A” and Class “B” Liquor License – Jamesons Huntley; d/b/a Jamesons, located at 12860 Del Webb Boulevard subject to the following Condition of Approval:

- 1. Petitioner must show proof of the State of Illinois Liquor Licenses before the Village of Huntley Class “A” and Class “B” Liquor Licenses becomes effective.**

MOTION: Commissioner Kadakia
SECOND: Commissioner Fender
AYES: Commissioners Fender, Kadakia, Mercer and Piwko
NAYS: None
ABSENT: None
ABSTAIN: Commissioners Kanakaris and Leopold
The motion carried: 4-0-0-2

OTHER BUSINESS: None

ADJOURNMENT:

There being no further business to discuss, a MOTION made to adjourn the meeting at 7:04 p.m.

MOTION: Commissioner Piwko
SECOND: Commissioner Leopold
The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary