

LIQUOR AND LICENSE COMMISSION
McHenry County Government Center – Administration Building
667 Ware Road - Woodstock IL 60098

MINUTES OF WEDNESDAY, SEPTEMBER 9, 2009

Chairman Hammerand called the meeting to order at 9:30 a.m. The following members were in attendance: John Hammerand; Bob Bless; James P. Kennedy; Mary McCann; and Barbara Wheeler. Also in attendance: Sarah Jansen and Cynthia Schaupp, Assistant State's Attorney; Captain Tony Cundiff – Sheriff's Office; County Board Chairman / Liquor Commissioner Kenneth D. Koehler; interest public; and press.

John Hammerand, Chairman
Bob Bless James P. Kennedy
Mary T. McCann Barbara Wheeler

MINUTES OF THE PREVIOUS MEETING

Ms. Wheeler made a motion, seconded by Mr. Bless, to approve the minutes of the August 12, 2009 Liquor and License Commission meeting. The minutes were approved as submitted with all members present voting aye.

PUBLIC COMMENT: Mr. Dennis Leo, McHenry Illinois addressed the Commission and voiced his concerns with the ongoing noise coming from Snug Harbor. He noted that most recently they were power washing the building at midnight and the Sheriff was called and closed down the work being done. He noted that the noise from people laughing and shouting travels 500 to 600 feet and continues well past midnight. He stated he has even recorded the noise. He would like clarification of "noise" and how this issue can be resolved. Mr. Leo was invited to speak with the State's Attorney after this meeting.

Mr. David Brady of Wonder Lake addressed the Commission to comment on the proposed video gaming ordinance. He noted that the ordinance as proposed contained some inaccuracies that should be addressed. He noted, for example, that the comment relative to electronic gaming and a study by the Massachusetts Institute of Technology is misleading as such a study was never done by that Institute.

Mr. Cal Skinner of Crystal Lake addressed the Commission and asked that Video Gaming be a referendum on the ballot for the February election. He stated that most people are opposed to this activity and the public should have the right to voice their opinion.

Ms. Joyce Story of McHenry addressed the Commission and raised her concerns with Video Gaming for the County of McHenry.

Ms. Eileen Marhoefer commented she is opposed to legalizing video gaming in McHenry County.

Mr. Bill Parrot of McHenry addressed the Commission and asked that the research be conducted to investigate how the business community feels about video gaming and what percentage would be in favor of having video gaming in the County.

NEW BUSINESS:

One-Day Liquor License: The Commission reviewed an application for a Class F one-day liquor license for the Harrison PTO. The event will be held on September 19th at the Christ the King Church in Wonder Lake. Ms. Wheeler made a motion, seconded by Ms. McCann, to approve the one-day liquor license for Harrison PTO contingent upon the approval of an event permit from the Planning and Development Department and the Sheriff's Office approval of the security plans to host this event. The motion carried with all members present voting aye on a roll call vote (McCann, Wheeler, Bless, Kennedy and Hammerand).

Raffle Permit: Members reviewed a Raffle Permit Application for the Harrison PTO to be held on September 19, 2009. Ms. Wheeler made a motion, seconded by Ms. McCann to approve the Raffle permit as submitted. The motion carried with all members voting aye on a roll call vote (Bless, McCann, Wheeler, Kennedy and Hammerand).

Members reviewed the following three Raffle Permit Applications: National Kidney Foundation of Illinois; Hospice of Northeastern Illinois and St. Peter Church. Mr. Kennedy made a motion, seconded by Mr. Bless to approve the Raffle permit requests as submitted. The motion carried with all members voting aye on a roll call vote (Bless, McCann, Wheeler, Kennedy and Hammerand).

Discussion – Video Gaming: Chairman Hammerand noted that there is a proposed Ordinance in the Committee packet for consideration and discussion along with information on Video Gaming in McHenry County. He asked that the Committee discuss options available including if this item should be on the ballot for voting by the public, if the County Board should vote on this issue, if a public hearing should be held, if this issue should also be discussed by the Law and Justice Committee and the Finance and Audit Committee along with whatever thoughts the members might have on this issue. Members agreed that a public hearing should be held to get the public input on this issue. Chairman Hammerand stated a special Liquor Commission meeting could be scheduled to hold the Public Hearing or this could be done as part of a County Board meeting to keep the full Board informed. The public hearing should be done as a two way exchange of information and ideas. Chairman Koehler stated if a hearing is held it should include a Court Reporter along with auto recorder of the event. He stated that Video Gaming is a major revenue component of the Capital Bill and if the County does adopts an ordinance approving video gaming for unincorporated areas of the County a large portion of our road revenue could be lost. He noted that Video Gaming would be run by the State of Illinois and is supported by the Illinois State Police. He stated that he would like this issue to move forward in a timely manner and agreed that a public hearing should be held. He noted that he has talked with two municipalities who are in favor of video gaming. Video gaming is allowed only in establishments that pour liquor such a restaurants and bars. Members asked that State Representatives be invited to attend a public hearing to discuss their thoughts on this issue. It was noted that the County can opt out of video gaming by adopting an Ordinance; until such an Ordinance is adopted establishments can get a license for video gaming. It was noted that “rules” for video gaming have not yet be established and there are many questions that need to be answered. Members agreed a public hearing should be held in the evening and suggested the date of October 6, 2009. Members asked that in addition to our State Representatives, representatives from the State Police, the County Sheriff and the Crime Commission should be invited to attend along with representatives from the Mental Health Board and municipalities. Committee Chairman Hammerand commented that there would be social consequences if video gaming is allowed adding that “revenue does not trump principles” in his opinion. Mr. Bless noted that no matter what the final decision is regarding video gaming, it will have a significant impact on the County. He stated that this issue should be decided by the people through a referendum. It was noted that even with the public hearing, a referendum would still be an option to consider. A petition for such a referendum must be signed and filed by 25% of the voters in the unincorporated area at least 90 days prior to an election. It was noted that the County could put an Advisory Referendum on the ballot. With members agreeing to hold a public hearing, Ms. Wheeler made a motion, seconded by Mr. Kennedy, to schedule a special public hearing. The motion carried with a roll call of all ayes (Wheeler, McCann, Bless, Kennedy and Hammerand). Mr. Bless stated that it would be important to know all the facts before meeting with the public to discuss this issue. Members directed the County Administrator to check on available dates for hold the hearing.

Liquor Ordinance: Members reviewed a proposed change to Section 27 of the Liquor Ordinance; the amended section would read as follows:

“Section 27. Revocation or Suspension of Local License – Notice – Hearing – Appeal – Penalties: The Commissioner may fine any license issued if it has been determined that the licensee has violated any of the provisions of this Ordinance, any applicable rule or regulations established by the Commissioner or the State Commission or any provision of the Act; the license shall be fined not more than one thousand (\$1,000.00) dollars for a first (1st) offense within a twelve (12) month period, one thousand five-hundred dollars (\$1,500.00) for a second (2nd) offense within a twelve (12) month period, and two thousand five-hundred dollars (\$2,500.00) for a third (3rd) or subsequent offense within a twelve (12) month period, and every day that such violation is continued shall constitute a separate and distinct offense. In addition thereto, the Commissioner may suspend for not more than thirty (30) days, or in lieu thereof the Commissioner may revoke said license.”

Ms. McCann made a motion, seconded by Ms. Wheeler, to recommend the County Board adopt the Liquor Ordinance as amended following a 30 day review. The motion carried with all members present voting aye on a roll call vote (Wheeler, McCann, Bless, Kennedy and Hammerand).

Micro Loan Fund: Members reviewed suggested language to include on the Micro Loan fund Agreement to avoid any conflict that may arise should a County liquor licensee receive funds from the County’s Micro Loan fund. Following is the language to be to be added:

- i. If any allegations arise that the Borrower has violated any of the provisions of the McHenry County Liquor Ordinance or any Illinois State Liquor Law that may require a hearing before the McHenry County Liquor Commission, assuming the Borrower has been issued a McHenry County Liquor license.

Ms. McCann made a motion, seconded by Mr. Bless, to adopt this language and forward this recommendation to the Finance and Audit Committee for their review. The motion carried with all members present voting aye on a roll call vote (Bless, Kennedy, McCann, Wheeler and Hammerand).

OLD BUSINESS: None

EXECUTIVE SESSION: None

REPORTS:

Captain Cundiff reported that there have been three incident reports on noise complaints regarding Snug Harbor. He stated that a cross walk with flashing lights is being added for pedestrians crossing River Road to get to Snug Harbor.

Chairman Hammerand reported that the hearing for Rachina 1, Inc. is scheduled for September 21 at 9am in Court Room 204.

ADJOURNMENT: Noting no further business, the meeting adjourned at 11:09 a.m. on a motion by Ms. McCann, seconded by Ms. Wheeler, with all members present voting aye.

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RECOMMENDED FOR BOARD ACTION/REVIEW:

Amendments to the Liquor Control Ordinance – to County Board for 30 day review
Language addition to the Micro Loan fund Agreement – to Finance and Audit Committee

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