

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

MINUTES OF WEDNESDAY, OCTOBER 14, 2009

Chairman Hammerand called the meeting to order at 9:18 a.m. The following members were in attendance: John Hammerand; Bob Bless; Mary McCann; and Barbara Wheeler. James Kennedy was absent. Also in attendance: Sarah Jansen, Assistant State's Attorney; Captain Tony Cundiff – Sheriff's Office; interested 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 September 9, 2009 and October 7, 2009 Liquor and License Commission meeting. The minutes were approved as submitted with all members present voting aye.

PUBLIC COMMENT: A gentleman from Wonder Lake addressed the Committee and asked the members to make sure they have all the facts before voting on video gambling.

Ms. Story from McHenry provided her comments on the public hearing held to address video gambling and raised her concerns that discussions center on jobs and did not address concerns of the social impact.

Mr. Parrot of McHenry addressed the Committee and stated that at the last meeting legal counsel had noted that it might be too late for a referendum on video gambling. He also noted that the City of McHenry has not addressed this issue. He asked how citizens could be assured that revenue from video gambling would go toward infrastructure.

NEW BUSINESS:

Chairman Hammerand stated that if the County chose to address the video gambling issue with a referendum that referendum would only include unincorporated areas of the County. The issue would need to be addressed separately by municipalities. Ms. Wheeler stated that the capital plan is very clear that revenues from video gambling would go to infrastructure.

Discussions with the owners of JVE Club and Snug Harbor: Mr. Jose Ovalle, owner of the JVE Club, met with the Commission to discuss recent incident reports. Mr. Ovalle stated that for 16 years he has owned the JVE Club with no major problems. Chairman Hammerand reviewed recent incident reports which indicate gang related fights had occurred in the establishment in June, August and September. Some of these events involved a bouncer hired by the JVE Club. He stated as owner of the establishment, Mr. Ovalle is responsible for what happens inside the building. Chairman Hammerand asked Mr. Ovalle what steps he has taken to address these issues and control the situations. Mr. Ovalle stated he has hired three bouncers, one for the outside and two for the inside of the establishment. He stated he felt the situation has been addressed and is under control at this time. Captain Cundiff reported that he has talked with the owner regarding the incident on September 11, 2009 in which 10 deputies were called along with Harvard police. There were five to ten people fighting inside the establishment all appeared to be gang members. He stated the establishment needs to review security personnel and be aware of patrons in the bar. He noted that the biggest issue is public safety. He reported that the establishment held a large band event this past weekend with no major issues. Chairman Hammerand stated that Mr. Ovalle has the right to deny entrance into his establishment. Mr. Bless stated the issue appears to be the people working in the bar and suggested Mr. Ovalle hire more personnel and work with the Sheriff to resolve these situations. Ms. Wheeler stated Mr. Ovalle needs to address the gang related activities as gang issues are a very high concern and need to be resolved. Mr. Ovalle again apologized for the events and stated that he would make every effort to resolve these situations in the future and work with the Sheriff. Members thanked Mr. Ovalle for coming in to discuss these concerns.

Mr. Mark Hoffman and Mr. Anton Newman (Mgr) of Snug Harbor met with the Commission to discuss recent incident reports and noise complaints. Chairman Hammerand stated that several noise complaints have been received, one was a complaint of noise from pressure washing of the building late at night. Mr. Hoffman stated that the pressure washing incident was a one-time event and this will not happen again. Mr. Hoffman stated he believes some of the noise complaints are from a neighbor that will continue to do so and asked for additional information on these calls. He stated his organization takes their business and the community relationships very seriously. Chairman Hammerand stated that one incident involved a late night boat cruise which included an unacceptable retort from an employee. Mr. Hoffman stated that employee is no longer with the establishment and they have been pro-active in addressing the concerns. There will be no late night boat cruises and they are working on a stringent policy on noise. There will be signage on docks and

decks noting that excessive boat noise is not allowed. He stated Snug Harbor wants to be a good addition to the neighborhood and is making every effort to address all concerns. Chairman Hammerand noted that in the past Snug Harbor had a reputation of being a good local establishment and hopefully this reputation can be re-established. Members thanked Mr. Hoffman and Mr. Newman for attending today's meeting.

New Liquor License applications: The Commission reviewed a new liquor license application for the El Horizonte, located at 11106 N Route 14, Harvard IL 60033. Mr. Narciso Herrera, the new owner was interviewed by the Commission. Noting that all documents were complete, Ms. McCann made a motion, seconded by Ms. Wheeler, to recommend approval of a Class A Liquor License for the El Horizonte. Chairman Hammerand reviewed the Liquor Ordinance and noted that when the license is being renewed in the spring of 2010 all employees will need to show they have had BASSETT training. He also reminded Mr. Herrera that he should contact the Sheriff should any problems arise. Chairman Hammerand noted that at the present time Mr. Herrera, as owner and the sole proprietor, is solely responsible for any problems that arise. After discussion, a roll call vote was called. The motion carried with all members present voting aye on a roll call vote (Wheeler, Bless, McCann and Hammerand).

Raffle Permits: Members reviewed a Raffle Permit Application from Leadership Greater McHenry County. Noting all paperwork was completed properly, Ms. McCann made a motion, seconded by Ms. Wheeler to approve the Raffle permit as submitted. The motion carried with all members voting aye on a roll call vote (Bless, McCann, Wheeler and Hammerand).

Meeting dates/times for 2010: All members agreed to meet on the same day for 2010 (the second Wednesday of the Month). The time will be changed from 9:15 am to 9:30 am.

OLD BUSINESS

Video Gaming Referendum: Chairman Hammerand stated he would like to be able to take Resolution authorizing a referendum of video gambling to the next County Board meeting. To do so it will be necessary to meet at 6:45 pm on the 20th to properly approve such a Resolution. Ms. Wheeler stated she would prefer to see a Resolution banning video gambling. She stated as a Board we are representatives who should take action on such issues. She stated she would also support an advisory referendum. Chairman Hammerand stated he is concerned with a recent Senate Bill that would put a specific time limit on the "opt out" provision for local governments. Mr. Austin stated it would be difficult to present two options to the County Board on the 20th. Ms. Wheeler noted that the Committee did not really discuss the option of banning video gambling and there was an ordinance presented at the last meeting that was never discussed. Ms. McCann added that a County Board referendum would only be advisory and noted the citizens could initiate a binding referendum. She added that she supported Ms. Wheeler's suggestion to ban video gambling. Ms. Wheeler stated she would wait to move a recommendation to approve a banning resolution to the November 3, 2009 County Board meeting and felt it was not necessary to rush this issue on the 20th. Mr. Austin suggested that the State's Attorney prepare both a Ordinance banning video gambling and a Resolution authorizing a referendum so the Committee could consider both of these options at their next scheduled meeting. Since the next meeting would fall on Veteran's Day, Members agreed to hold a regular meeting on Monday, October 26, 2009 at 9:00 am to consider regular business and both an Ordinance and Resolution relative to video gambling. It was noted that the decision made on 10/26 could be forwarded to the County Board for consideration on November 3, 2009.

A report of a State Investigation of the Ed's Wonder Inn (also known as the Lizard Lounge) was provided. The State recently investigated the establishment regarding complaints of purchasing and refilling alcoholic liquor. On examination, no evidence to substantiate the allegation was found. However, the State did note several other violations which included no display of a State License; no valid IL Revenue Business Tax Certificate; not registered as DBA "Lizard Lounge"; Happy hour drink prices; no bi-weekly tap cleaning record and contaminated liquor bottles.

Ms. McCann commented that the increased boat noise on the Fox Waterway may be caused by a recent ban on Lake Geneva for the use of a "captain's choice switch" and people moving their boats to the Chain of Lakes.

ADJOURNMENT: Noting no further business, the meeting adjourned at 8:48 p.m. on a motion by Ms. Wheeler, seconded by Ms. McCann, with all members present voting aye.

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RECOMMENDED FOR BOARD ACTION/REVIEW:

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