

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

MINUTES OF WEDNESDAY, NOVEMBER 10, 2010

Chairman Hammerand called the meeting to order at 9:35 a.m. The following Commission members were present: John Hammerand; Bob Bless, Barbara Wheeler, Mary McCann; and James Kennedy. Also in attendance: Peter Austin, County Administrator; Kenneth Koehler, County Board Chairman; Jamie Rein and Sarah Jansen, State's Attorney's Office; Sgt. Karen Groves, Sheriff's Department; Jim Heisler, County Board; interested public and press.

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

MINUTES: Mr. Kennedy made a motion, seconded by Ms. Wheeler, to approve the minutes of the September 8, 2010 Liquor and License Commission meeting. The minutes were approved as submitted with all members present voting aye on a voice vote.

PUBLIC COMMENT:

Dennis Leo of McHenry, Illinois addressed the Commission and once again expressed his concern with excessive noise coming from Snug Harbor. He mentioned that three weeks ago a report was made with the police concerning Snug Harbor. He feels the owner of Snug Harbor has done a lot to keep the noise down. Mr. Leo suggested that if any fines are levied against Snug Harbor in the future, he would suggest that the fines are levied against the employees and not the owner. Ms. Rein asked Sgt. Groves to provide her and members of the Commission with a copy of the police report.

PRESENTATION: None.

NEW BUSINESS: *New Liquor License, Manager and/or Amusement License request:* None.

*Raffle Permit and Special Liquor License Requests:*

Chairman Hammerand requested that all five Raffle Permit Applications be reviewed and voted on at the same time. Having consensus of the Commission, members reviewed the following Raffle Permit Applications: Crystal Lake Montessori School Parent Group; Hospice & Palliative Care of Northeastern Illinois; IL-WISC Search and Rescue Dogs; St. Peter's Church; and Leadership Greater McHenry County. Noting all documents were completed and bond information provided, Ms. Wheeler made a motion, seconded by Mr. Bless, to approve the five Raffle Permit Applications as submitted. The motion carried with all members voting aye on a roll call vote (Kennedy, Wheeler, Bless and Hammerand).

Ms. McCann arrived at 9:40 a.m.

OLD BUSINESS:

*Pending Liquor Licenses:* None.

*Incident Reports:* Commission members were provided with a copy of a press release dated November 5, 2010 from the Sheriff's Department concerning a recent sting involving establishments selling alcoholic beverages to underage volunteers. Ms. Rein mentioned that many establishments did comply, but three establishments failed the sting, those being Lakeside Liquors, Cousins and Alden Grocery. Ms Rein suggested that all three establishments be required to come before the Commission at the December 8, 2010 meeting. A Citation will be sent to the three establishments requiring them to appear before the Commission and a hearing officer on this date. A press release will be prepared after the formal hearing held on December 8. The establishments may not dispute the violation, but they must appear before the Liquor Commission on that date.

Chairman Hammerand mentioned that in the past a customer at Alden Grocery was involved in an altercation when a patron from a bar located across the street attacked the customer. Alden Grocery was not the wrongdoer concerning this altercation.

Approved: 12-8-10

*Update on Sting Operations:*

Ms. McCann asked if there was a resolution concerning the pending litigation concerning Mobil Speed Mart. Ms. Jensen mentioned that Ms. Rein and she went before the Second District Appellate Court and there is no way of knowing when they will issue their Order. The Appellate Court seemed interested in their arguments and seemed hard on the State Liquor Commission. There is no telling which way the case will go, the Appellate Court does not provide any guidelines as to when their decision will be issued, and they will receive the decision in the mail. It is estimated that it will be within four months from the date the argument was complete, which was October 5, 2010. Mr. Koehler attended the hearing and he mentioned how proud he was of Ms. Jensen and Ms. Rein for their outstanding work on this matter, and how well prepared they were. The matter was heard before three Judges and the other attorney was not very well prepared. There is a rebuttal allowed by the plaintiffs, but not by the defendant and Ms. Jensen handled it very well. Ms. Jensen informed the Judges that this matter concerned a Mobil Speed Mart which had three violations within a specific timeframe. Ms. Jensen and Ms. Rein will inform the Commission as soon as they receive the decision.

Reviewing the most current sting operation, Mr. Kennedy mentioned that the Commission has made their point because the Mobil Speed Mart did not violate the law during this sting operation. If it saves one major traffic crash or one life, it is well worth the effort. Chairman Hammerand mentioned that the establishments holding McHenry County liquor licenses have improved considerably because there used to be quite a few more violations during previous sting operations. Mr. Kennedy stated that this is partly due to the efforts of the Sheriff's Department in conducting sting operations, the efforts of the State's Attorney's Office, and the message that the McHenry County Liquor Commission will not tolerate violations to the Liquor Ordinance. Mr. Koehler mentioned that the required BASSETT training has helped.

Mr. Koehler has been to Snug Harbor twice and feels they are very well managed. He witnessed a bartender and waitresses carding young people while at Snug Harbor, but this is not always the case at other establishments. It is hoped that other cities will require BASSETT training for all employees serving/selling alcohol. Chairman Hammerand has, in the past, informed Mr. Leo that any five citizens may sign a complaint, but Mr. Leo has not brought a formal complaint against Snug Harbor to date.

EXECUTIVE SESSION: None.

REPORTS TO COMMISSION:

Ms. McCann mentioned that someone is interested in building a winery with a wine tasting room and they will be meeting with Planning and Development in early December. Information from the Planning and Development meeting will be provided to the Liquor Commission at the December 8 meeting. Mr. Kennedy mentioned that Lake in the Hills has a liquor license specifically for wine tasting. Ms. Rein mentioned that a specific license for wine tasting may have to be added to the Liquor Ordinance at some point. Another option would be to add wine tasting to one of the current liquor licenses. Establishments would have to have appropriate zoning for this type of business. There is a state precedence for wineries that have conditional use permits and this will be discussed by the Planning and Development Committee. Mr. Koehler mentioned that the Public Health Department will also be involved to make sure wineries meet all health codes. They may be required to have a commercial kitchen. The Health Department will also be involved if they will be processing grapes into wine. Ms. McCann stated that the owner plans to do both, process grapes into wine and have a wine tasting room. Ms. Rein mentioned that Jo Daviess County and Kane County have vineyard licenses that are specific to wineries and are half the price of their regular liquor license. Chairman Hammerand suggested trying to fit wineries and wine tasting licenses into the current liquor licenses. It was mentioned that neighbors of potential wineries may express concern about a year-round business being located next to them. A suggestion was made to possibly allow a three or six month license for wineries instead of reducing the liquor license fee. Ms. McCann stated that it is a growing industry and she knows of at least 15 farms that have a minimum of three acres of grapes. If the liquor license fee is reduced to encourage the industry, the County will benefit from the taxes from the sale of liquor. The Commission may want to consider having a license specific to selling just wine. Mr. Koehler mentioned that many wineries are open on Friday, Saturday and Sunday from noon until 5:00 p.m. Local wineries may want to bring in either grape juice or grapes from California, or other areas that grow grapes in volume, to allow the winery to use some of their local grapes as part of their blend for wine. There is a difference

between a winery having wine tasting as opposed to a winery selling bottles of wine that may be consumed on their property. A question was raised as to how the Commission will enforce rules concerning a winery if the Commission establishes a license for wineries in the future. This will be discussed at a later meeting. Ms. McCann mentioned that Mr. Sandquist and Ms. Nomm will be involved in the process. Chairman Hammerand requested that Mr. Sandquist and Ms. Nomm attend a future Liquor Commission meeting to discuss the ordinance and conditional use permits.

**OTHER BUSINESS:**

Mr. Kennedy mentioned that this is his last Liquor Commission meeting and he is proud to have served on the Commission. He thinks they have made a strong statement to the community that they will not tolerate violations of the Liquor Ordinance, especially when it comes to selling to minors. He stated that it has been an honor and enjoyable experience to serve under Chairman Hammerand, Liquor Commissioner Koehler, and fellow Liquor Commission members. He believes they have accomplished a lot and the citizens should know that they are looking out for their best interests. He thanked everyone for their respect, courtesy, and advice. Chairman Hammerand, on behalf of the Liquor Commission, thanked Mr. Kennedy for his service.

**ADJOURNMENT:** Noting no further business, the meeting adjourned at 10:08 a.m. on a motion by Ms. McCann, seconded by Mr. Kennedy, with all members present voting aye.

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**RECOMMENDED FOR BOARD/COMMITTEE ACTION/REVIEW:**

None.

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